

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
GO GLOBAL RETAIL, LLC,

Plaintiff,

-against- Index No.1:23-cv-07987

DREAM ON ME, INC. and DREAM ON ME INDUSTRIES,

Defendants.

- - - - - X

October 1, 2024
10:00 a.m.

DEPOSITION of MARK SROUR,
a witness for the Defendant herein,
taken by the attorney for the Plaintiff,
pursuant to Rule 30(b)(6) of the Federal Rules
of Civil Procedure, held via web conference,
on the above date and time, before Jennie
Kilgallen, a Stenotype Reporter and Notary
Public within and for the State of New York.

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2 A P P E A R A N C E S:

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6

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8

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11

BY: JUDAH SKOFF, ESQ.
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13

14 ALSO PRESENT:

15 JESSICA MOORE, ESQ.
Falcon, Rappaport & Berkman, PLLC

16

17 CHRISTIAN FEUER

18 MOISHE PELTZ

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FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and between the parties hereto, through their
respective Counsel, that the certification,
sealing and filing of the within examination
will be and the same hereby waived;

IT IS FURTHER STIPULATED AND AGREED that
all objections, except as to the form of the
question, will be reserved to the time of the
trial;

IT IS FURTHER STIPULATED AND AGREED that
the within examination may be signed before
any Notary Public with the same force and
effect as if signed and sworn before the
Court.

1 THE COURT REPORTER: It is hereby
2 stipulated and agreed to by and between
3 counsel for all parties present that
4 this deposition is being conducted
5 remotely by video conference, and that
6 the court reporter, witness and all
7 counsel are in separate remote locations
8 and participating via Zoom or any web
9 conference meeting platform under the
10 control of the court reporting agency.

11 It is further stipulated that this
12 video conference will not be recorded in
13 any manner and that any recording
14 without the express written consent of
15 all parties shall be considered
16 unauthorized, in violation of law and
17 shall not be used for any purpose in
18 this litigation or otherwise.

19 Before I swear in the witness, I
20 will ask each counsel to stipulate on
21 the record that I, the court reporter,
22 may swear in the witness even though I
23 am not physically in the presence of the
24 witness and that there is no objection
25 to that at this time nor will there be

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any objection at a future date.

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All attorneys state they have no
objection or so stipulated?

5

MR. BERLOWITZ: No objection.

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MR. SKOFF: No objection.

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THE COURT REPORTER: Counsel, can
you represent to the best of your
knowledge and belief, that the witness
appearing today via web conference is,
in fact, Mark Srour?

12

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14

MR. SKOFF: To the best of my
knowledge, information and belief, the
witness is Mark Srour. Thank you.

15

16

(Whereupon, the Witness presented a
NY State driver's license.)

17

M A R K S R O U R,

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The witness herein, having been first duly
affirmed remotely by a Notary Public of the State
of New York, was examined and testified as
follows:

22

23

THE COURT REPORTER: May we have
your name for the record.

24

THE WITNESS: Mark Srour.

25

THE COURT REPORTER: And your

1 M. Srouer

2 address for the record sir.

3 THE WITNESS: 1969 East 14th

4 Street, Brooklyn, New York, 11229.

5 EXAMINATION BY

6 STEVEN BERLOWITZ, ESQ.:

7 Q. Morning Mr. Srouer. My name is
8 Steven Berlowitz and I am with the law firm
9 Falcon, Rappaport & Berkman and I represent
10 Go Global Retail in the matter of Go Global
11 Retail versus Dream On Me.

12 Have you ever been deposed before?

13 A. Many years ago, once.

14 Q. Do you know the nature of the
15 action you were deposed in?

16 A. There was a fire in the store that
17 they were asking questions.

18 Q. There was a -- there was a flier in
19 the store?

20 A. Fire. Fire.

21 Q. A fire, fire. Okay. I'm going to
22 go over a couple of rules to help guide us in
23 the deposition process. So, I'm sure you
24 know the deposition is being stenographically
25 recorded.

1 M. Srour

2 I would request that you please answer
3 all of my questions verbally, not with a
4 physical nod or any other physical movement
5 like a shrug so the court reporter can take
6 down your answers. Do you understand that?

7 A. Yes.

8 Q. I would ask that you please wait
9 until I complete asking my question before
10 you answer. Do you understand that?

11 A. Yes.

12 Q. If you need to have a question
13 repeated, please let me know and the court
14 reporter can read it back to you. Do you
15 understand that?

16 A. Yes.

17 Q. Please let me know if you do not
18 understand a question or if you need me to
19 rephrase it. Do you understand that?

20 A. Yes.

21 Q. If you answer the question, I will
22 assume that you do understand the question I
23 asked. Do you understand that?

24 A. Yes.

25 Q. At any time please let me know if

1 M. Srouer

2 you need a break, but please note we cannot
3 take a break while a question is pending. Do
4 you understand?

5 A. Yes.

6 Q. You understand that you are
7 testifying under oath and under the penalty
8 of perjury, correct?

9 A. Yes.

10 Q. Have you ever been a plaintiff or
11 defendant in another lawsuit?

12 A. Many. Yes.

13 Q. How many lawsuits?

14 A. We've been around for too long.
15 There are so many in business so there's
16 always a plaintiff and there's always cases.

17 Q. When you say we've been around for
18 too long, are you referring to Dream On Me?

19 A. Yes.

20 Q. Have you ever been involved in a
21 lawsuit in your individual capacity?

22 A. No.

23 Q. What was the last lawsuit that
24 Dream On Me was involved in other than this
25 one?

1 M. Srouer

2 A. I cannot recall it.

3 Q. Sorry?

4 A. I cannot recall that.

5 Q. What is the last lawsuit you can
6 recall?

7 A. I'm not sure. There were many
8 lawsuits going back and forth. You have a
9 business and things happen.

10 Q. Have you testified in these
11 lawsuits?

12 A. No.

13 Q. Have you ever been arrested or
14 convicted of a crime?

15 A. No.

16 Q. Are you taking any medication today
17 that would affect your memory?

18 A. No.

19 Q. Or your ability to testify
20 truthfully?

21 A. No.

22 Q. Or your ability to read documents
23 that I may show you.

24 I'll just preface with I know we're all
25 virtual, I'm going to be showing you some

1 M. Srouer

2 documents. I hope you're able to read them
3 clearly on the screen.

4 A. Yes.

5 MR. SKOFF: Objection to form.

6 What's the question?

7 Q. The question is, are you taking any
8 medication that would affect your ability to
9 read the documents I present to you on the
10 screen?

11 A. No, I'm not under any medication.

12 Q. Can you describe your education,
13 please?

14 A. Education? It's so long ago. I
15 learned for ten years. That's -- that's what
16 it is.

17 Q. Did you attend high school?

18 A. For two years.

19 Q. Did you graduate?

20 A. No.

21 Q. Did you attend college?

22 A. No.

23 Q. I assume you didn't attend graduate
24 school?

25 A. No.

1 M. Srour

2 Q. Do you have any professional
3 certificates, licenses or credentials?

4 A. No.

5 Q. Have you ever been subject to any
6 disciplinary action or censure by a licensing
7 body?

8 A. No.

9 Q. Can you describe your work
10 experience, please?

11 A. What do you mean by work
12 experience?

13 Q. What did you do after you stopped
14 school for work?

15 A. I came to the United States at the
16 age of 16 and a half and since then I'm
17 working.

18 Q. All right. So at 16 and a half,
19 what were you doing first?

20 A. I was a stock boy in a store called
21 Young Bookstores.

22 Q. And what did you do, what was your
23 next job after that?

24 A. I became a manager.

25 Q. After that?

1 M. Srour

2 A. In '83 I opened up my first store.

3 Q. What store was that?

4 A. It was a retail store.

5 Q. What did you sell?

6 A. I sell children's clothing.

7 Q. What was the name of that store?

8 A. Children's Universe.

9 Q. Sorry, did you say Children's
10 Universe?

11 A. Yes.

12 Q. Do you still own that store?

13 A. No.

14 Q. You sold it?

15 A. It was back in the 80's. We -- I
16 had five stores at one time, five or six
17 stores and business changes and we don't have
18 the stores anymore.

19 Q. What did you do after -- what was
20 your next job after running those stores?

21 A. At the same time I used to
22 manufacture clothing. I think in '88 we
23 started with that all the way to '95.

24 Then in '95 I went -- '95 I went on my
25 own and I started the Dream On Me company.

1 M. Srour

2 Q. So you started Dream On Me in 1995?

3 A. Correct.

4 Q. And that's where you work now,

5 right?

6 A. Yes.

7 Q. What is your title at Dream On Me?

8 A. My title? I do everything,

9 whatever needs to be done.

10 Q. No, I'm not asking what you do, I'm

11 asking what your title is.

12 A. Manager, CEO.

13 Q. You're in charge?

14 A. Yes.

15 Q. What are your responsibilities?

16 A. Buying and finance.

17 Q. Did you say buying and finance?

18 A. Yes.

19 Q. Do you have any other

20 responsibilities?

21 A. I overlook all the operations.

22 Q. I believe you said you started that

23 position in 1995, but you can correct me if

24 I'm wrong.

25 A. Correct.

1 M. Srour

2 Q. I assume you don't report to
3 anybody, do you?

4 A. I report to myself.

5 Q. Have your job responsibilities ever
6 changed since you started Dream On Me?

7 A. I don't think so.

8 Q. And you've remained in that
9 position since 1995?

10 A. Yes.

11 MR. BERLOWITZ: I will bring up an
12 exhibit.

13 (Whereupon, at this time, a
14 document was marked for Identification
15 as Plaintiff's Exhibit 1, as this date.)

16 (Whereupon, at this time, an
17 exhibit was displayed via Zoom.)

18 Q. Mr. Srour, can you see what I'm
19 displaying to you?

20 A. Yes.

21 Q. Do you recognize this document?

22 A. I saw it last week, I think.

23 Q. Okay. I'm going to scroll down to
24 the page where it says Rule 30(b)(6) topics.
25 Do you see it?

1 M. Srour

2 A. Which one is it?

3 Q. I'm asking if you see the title
4 that's Rule 30(b)(6) topics?

5 A. Yes.

6 Q. Do you see the topics listed below?

7 A. Yes.

8 Q. Did you review these topics?

9 A. I just looked at it.

10 Q. Are you prepared to testify about
11 these topics?

12 A. Yes.

13 Q. Are there any topics on this list,
14 I can scroll through it if you want me to,
15 are there any topics on this list that you're
16 not able to testify about?

17 A. I believe anything that has to do
18 with IT, I do not have any information as to
19 that.

20 Q. Okay. Anything else?

21 A. I guess -- no.

22 Q. Just IT then?

23 A. I believe so, yes.

24 Q. What did you do to prepare for this
25 deposition today?

1 M. Srouer

2 A. Nothing.

3 Q. You didn't meet with anybody?

4 A. I met with my counsel last week.

5 Q. Did you meet with any of your
6 employees?

7 A. No.

8 Q. You said you met with your counsel
9 last week, is that the only time you met with
10 him to prepare for this deposition?

11 A. Correct.

12 Q. Was anyone else present for that
13 preparation?

14 A. We were there, I believe with Avish
15 was -- Avish was there.

16 Q. Did you review any documents to
17 prepare for this deposition?

18 A. No.

19 Q. Did you take any notes to prepare
20 for this deposition?

21 A. Not really.

22 Q. Do you have any notes in front of
23 you right now for this deposition?

24 A. I have what you were showing me
25 before, that's what I have.

1 M. Srouer

2 Q. Did you have any role in collecting
3 documents to be produced in this litigation?

4 A. Can you repeat that?

5 Q. Sure. Did you have any role in
6 collecting documents to be produced in this
7 litigation?

8 A. No.

9 Q. Are you familiar with the
10 bankruptcy auction for buybuy BABY IT assets?

11 A. What do you mean by am I familiar?

12 Q. Do you know what it is?

13 A. I know that that's when we
14 purchased the IP.

15 Q. Sorry, can you just repeat that?

16 A. You mean back in '23 when they went
17 under? I need to understand your question.

18 Q. I'm referring to the auction for
19 buybuy BABY Intellectual Property Assets. I
20 want to know if you're familiar with that
21 auction?

22 A. Yes, I was. I was there.

23 Q. You're familiar that Dream On Me
24 and Go Global engaged in discussions
25 regarding a potential joint bid for those

1 M. Srour

2 assets, is that correct?

3 A. There was a meeting that we got
4 together. But beyond that, there was nothing
5 else that was discussed.

6 MR. BERLOWITZ: I want to jump
7 back. The 30(b)(6) notice I would like
8 to be marked as Plaintiff's Exhibit 1.

9 Q. I believe you testified that you
10 were aware of this auction, is that right?

11 A. Yes.

12 Q. You also testified that you won the
13 auction for the IPS, is that right?

14 A. Correct.

15 Q. Do you know when around you were
16 introduced to Go Global?

17 A. The day of our first meeting. I
18 am, if I'm not mistaken, it happened around
19 June.

20 (Whereupon, at this time, an
21 exhibit was displayed via Zoom.)

22 (Whereupon, at this time, a
23 document was marked as Plaintiff's
24 Exhibit 2, as of this date.)

25 Q. Mr. Srour, I'm sharing an email

1 M. Srouer

2 with you. This email bears Bates number DOM
3 10726. It's an email from Milan Gandhi to
4 Chris Feuer, yourself and Avish cc'g a couple
5 of other people with the subject line
6 connect.

7 I'll give you a moment to read this
8 email and just let me know when you're done.

9 (Whereupon, at this time, there was
10 a pause in the proceeding.)

11 Q. There's another email at the
12 bottom. Read that as well and let me know
13 when you're done.

14 (Whereupon, at this time, there was
15 a pause in the proceeding.)

16 A. Okay.

17 Q. Does it refresh your recollection
18 that Go Global was introduced to DOM on
19 June 10?

20 A. I did not see it on June 10. If I
21 saw it over there, it would have to be after
22 the tenth.

23 Q. To clarify when I said introduced,
24 I don't mean in person, I just mean, you know
25 virtually, electronically via email.

1 M. Srour

2 A. Yes. Go ahead.

3 Q. Thank you. This is an email from
4 Milan Gandhi. Who is that?

5 A. He is a financial adviser Dream On
6 Me.

7 Q. He works for Dream On Me?

8 A. He is a financial adviser. He
9 works once a week, a day a week.

10 Q. Did he used to work for Dream On
11 Me?

12 A. He still works for Dream On Me once
13 a week. He is a financial adviser.

14 Q. He's not a W-2 employee?

15 A. No.

16 Q. He is a 1099?

17 A. Correct.

18 Q. The bottom of the email, is there a
19 sentence that says, "Christian, per our
20 conversation, I wanted to direct you to Milan
21 who is advising Dream On Me."

22 A. Okay.

23 Q. "Milan will add his client and I
24 would encourage you to speak directly about a
25 potential Baby going concern transaction and

1 M. Srou

2 see whether a partnership makes sense." Do
3 you see that?

4 A. Right.

5 Q. I notice that the intellectual
6 properties is not mentioned in this. Do you
7 see that?

8 A. Right.

9 Q. When did DOM become interested in
10 the intellectual property of buybuy Baby?

11 A. We had conversations with Bed, Bath
12 & Beyond back in 2021, 2022.

13 Q. And what were the nature of those
14 conversations?

15 A. We were looking to take -- to buy
16 the buybuy BABY operation when they were
17 healthy, when they had 120, 135 stores or
18 whatever it was at that time.

19 Q. Why were you interested in them?

20 A. Why I was interested in them?

21 Q. Yes.

22 A. Because I'm a businessman, for me,
23 if we were able to take over the operation
24 when they were healthy, it would be a
25 win/win.

1 M. Srouer

2 Q. And this dates back as far as 2021;
3 is that your testimony?

4 A. Yes, correct. It. '21, '22. And
5 the reason that this thing did not happen was
6 because they were not able to separate the
7 buybuy Baby from the Bed, Bath & Beyond as a
8 whole.

9 Q. What does Milan do as a financial
10 adviser for DOM currently?

11 A. He advises us.

12 Q. Can you be more specific?

13 A. No, I cannot -- I wouldn't -- I
14 will not know how to answer that.

15 Q. Okay.

16 A. You know, what needs to be done,
17 what is happening in the company, where
18 things need to be fixed, where we are able to
19 save money, where the -- you know, the
20 whole -- whatever needs to be done.

21 Q. Understood. Back to this email,
22 I'm going to summarize that in this email
23 personnel from Go Global and personnel from
24 DOM appear to be arranging an introduction
25 here. Does that seem accurate to you?

1 M. Srouer

2 A. It seems so, but I just want you to
3 be aware that we already were in contact with
4 Lazard. We had an NDA that was signed with
5 Lazard and we got already whatever we needed
6 from Lazard regarding the bankruptcy so it's
7 not -- we knew that -- it's not new that --

8 Q. Sorry, are you finished with your
9 answer?

10 A. I'm saying that there was no new
11 information that we got from the Go Global
12 after that.

13 Q. When did you first get in contact
14 with Lazard in relation to this auction?

15 A. If I'm not mistaken, my people were
16 already in contact back in April -- in April
17 sometime. As soon as buybuy BABY filed for
18 the bankruptcy, we were already getting
19 information.

20 Q. And when did you get access to the
21 Lazard data room?

22 A. I would not know that, but as soon
23 as the -- I'm sure that this NDA that we
24 signed, if it was back in April or May, I'm
25 not sure.

1 M. Srour

2 Q. Why did you want to meet with Go
3 Global?

4 A. Me and myself, I do not have no
5 idea. My people recommended that we should.
6 Maybe there is something that we could do
7 together.

8 Q. Let me break this down. You
9 individually do not know why your company and
10 the people in your company wanted to meet
11 with Go Global?

12 A. We were looking for people to go in
13 with us into putting -- to take over the
14 buybuy BABY and the name came up that they
15 will be a fit for us and that's why I believe
16 my people decided to go ahead and to meet
17 with them or to talk to them.

18 Q. And what were you hoping
19 specifically to get from Go Global in a
20 potential partnership?

21 A. Nothing. We just -- it's an
22 opportunity and we spoke.

23 Q. You wanted nothing from Go Global?

24 A. We wanted a partner over there at
25 that time.

1 M. Srouer

2 Q. Did you want Go Global's expertise
3 in any area?

4 A. I do not see where their expertise
5 could help us out over here.

6 Q. You know, what makes you say that?

7 A. Because who they are and what they
8 do and how they carry themselves.

9 Q. What do you mean by who they are?

10 A. From the first meeting where I met
11 on that Monday night, I did not feel
12 comfortable about that. And I don't know why
13 we went ahead and we met again on that
14 Thursday.

15 Q. What did you mean by what they do?

16 A. Who they are, I didn't like the
17 character.

18 Q. Well, I think you explained the
19 character in terms of who they are. You also
20 said what they do was a reason.

21 A. It wasn't nothing that they're able
22 to give us.

23 Q. They didn't give you anything?

24 A. No. As far as I'm concerned,
25 there's nothing that they provided or what we

1 M. Srouer

2 got from them that meant anything because
3 they went ahead to the data room of Lazard
4 over there and they duplicated information
5 over there that they wanted.

6 MR. BERLOWITZ: For the record, I
7 want the record to reflect that the
8 witness has stepped away from his
9 camera. I don't know where he's gone.

10 THE WITNESS: I'm back. I'm sorry.

11 Q. If you need to take a break, that's
12 okay. I would request that you let us know
13 first.

14 A. Sure, no problem.

15 Q. I'm sharing another document with
16 you. Do you see the document on your screen?

17 A. Yes.

18 Q. This document bears Bates number
19 DOM 17037.

20 MR. BERLOWITZ: The other email I
21 presented that will be Plaintiff's
22 Exhibit 2. I apologize for going out of
23 order.

24 (Whereupon, at this time, a
25 document was marked as Plaintiff's

1 M. Srouer

2 Exhibit 3, as of this date.)

3 MR. BERLOWITZ: This current
4 document I will mark as Plaintiff's
5 Exhibit 3.

6 Q. This is an email from Avish Dahiya
7 to Christian Feuer. Mark, you are cc'd.
8 Subject is connect.

9 And it appears to have an attachment
10 that's called GG NDA. Do you recognize this
11 document?

12 A. If I'm -- I'm seeing it for the
13 first time.

14 Q. You're seeing the email for the
15 first time?

16 A. Correct.

17 (Whereupon, at this time, an
18 exhibit was displayed via Zoom.)

19 (Whereupon, at this time, a
20 document was marked as Plaintiff's
21 Exhibit 4, as of this date.)

22 MR. BERLOWITZ: I'm now sharing a
23 different document. I will mark this as
24 Plaintiff's Exhibit 4. And we'll
25 represent this is a Go Global

1 M. Srour

2 Nondisclosure agreement. It bears Bates
3 number GG 8791 through 8794.

4 Q. Mr. Srour, have you seen this
5 document before?

6 A. I saw this document sometime in
7 July for the first time.

8 Q. But you are familiar with this
9 document?

10 A. That's when I know that there was
11 an NDA that was signed.

12 Q. Is it your testimony that you were
13 unaware of the NDA until July of 2023?

14 A. I heard that there was an NDA that
15 was signed.

16 Q. When did you hear that?

17 A. I cannot recall that.

18 Q. I'm at the last page which is the
19 signature page. And I see that on behalf of
20 Dream On Me this document is document signed
21 by Avish Dahiya. Do you see that?

22 A. Correct.

23 Q. He signs on behalf of Dream On Me
24 Inc./DOM family. Do you see that?

25 A. Yes.

1 M. Srouer

2 Q. What is the DOM family?

3 A. D-O-M stands for Dream On Me.

4 Q. Is the DOM family a collection of
5 different companies?

6 A. No.

7 Q. Is it just one company?

8 A. Correct.

9 Q. Do you always sign documents like
10 this?

11 A. That's the first that's not my
12 signature.

13 Second, Avish was not authorized to sign
14 the NDA.

15 And third, any NDA that we usually --
16 where I need to sign, I always send it to a
17 lawyer to review before it gets signed.

18 Q. You just testified that Avish was
19 not authorized to sign this NDA?

20 A. Correct, he was not authorized to
21 sign it.

22 Q. Who is Avish?

23 A. Avish is the CMO of the company.

24 Q. He worked at Dream On Me on
25 June 10, 2023?

1 M. Srouer

2 A. Yes.

3 Q. And he works there now still?

4 A. Yes.

5 Q. He never discussed this NDA with
6 you?

7 A. No, he did not.

8 Q. Do you have to give permission to
9 everyone in order to bind Dream On Me to
10 certain agreements?

11 A. Hundred percent. I have to put my
12 signature on it and I have to run it by a
13 lawyer.

14 Q. Did you read this document when it
15 was emailed to you?

16 A. No.

17 Q. Do you know --

18 A. I don't even think it was even
19 emailed to me.

20 Q. Do you know if anyone at Dream On
21 Me read this document when it was emailed to
22 Dream On Me?

23 A. I do not -- what I understood later
24 on is that there was pressure to sign the NDA
25 on that day on the 10th just for them to

1 M. Srour

2 start talking.

3 Q. This agreement is signed, correct?

4 A. Obviously it's signed if there is a
5 signature there, but I know that there were
6 pressure to sign it as soon as possible
7 because the auction was going on and so on.

8 Q. I apologize because I think I asked
9 this question, when did you first become
10 aware of this NDA?

11 A. If I'm not mistaken, after we got
12 the IP. Sometime in July.

13 Q. After you had already won the
14 auction?

15 A. Correct.

16 Q. What due diligence had DOM done as
17 of June 10, 2023 in relation to the
18 bankruptcy auction?

19 A. You'll have to ask Milan or Avish.
20 They were doing the due diligence.

21 Q. Do you know if DOM has a written
22 policy with regard to the signing of
23 documents?

24 A. Pardon me again?

25 Q. Do you know whether DOM -- whether

1 M. Srour

2 Dream On Me has a written policy with regard
3 to the signing of documents?

4 A. I'm not sure about that.

5 Q. Was Avish aware that he needed your
6 authorization to sign the NDA?

7 A. Yes.

8 Q. You told him that?

9 A. Any NDA that have to be signed,
10 that needs to be signed, it usually gets
11 signed by me.

12 Q. Has Avish come to you before for
13 requests to sign a document on behalf of DOM?

14 A. Yes, of course.

15 Q. When?

16 A. Whenever it needs to be signed over
17 there, he come and show it to us and I look
18 at it and if we have to sign it, if I need to
19 sign it, I sign it.

20 Q. Can you recall a specific example
21 of a document that he came to you requesting
22 authorization to sign?

23 A. No, I cannot recall specific.

24 (Whereupon, at this time, an
25 exhibit was displayed via Zoom.)

1 M. Srour

2 Q. Can you see the document I am
3 displaying?

4 A. Yes.

5 (Whereupon, at this time, a
6 document was marked as Plaintiff's
7 Exhibit 5, as of this date.)

8 Q. I will represent that this is an
9 email from you to Milan Gandhi and Jack Srour
10 dated June 13, 2023 bearing Bates numbers DOM
11 2770 through 2771.

12 I'll give you a moment to read this
13 email. I will have to scroll down. Let me
14 know what you need to scroll.

15 (Whereupon, at this time, the
16 attorney scrolled through the exhibit as
17 requested.)

18 Q. Have you read the email?

19 A. No. I did not. Can you scroll
20 down so I can see what it's about.

21 (Whereupon, at this time, the
22 attorney scrolled through the exhibit as
23 requested.)

24 A. Go ahead. Can you go up. Scroll
25 down now.

1 M. Srouer

2 (Whereupon, at this time, the
3 attorney scrolled through the exhibit as
4 requested.)

5 Q. Do you recognize this document?

6 A. What do you mean do I recognize it?

7 Q. Have you seen this before?

8 A. Obviously if my name is there and I
9 have a reply to that.

10 Q. You wrote this email to Milan, is
11 that right, and you write thanks Milan?

12 A. I'm replying to Milan.

13 Q. I understand. And in Milan's email
14 he writes, "Yesterday's dinner was necessary
15 to understand views and ask of both parties
16 and here are my views." Do you see that?

17 A. Go ahead.

18 Q. It's referring to a dinner that
19 occurred on June 12, 2023. Are you familiar
20 with that dinner?

21 A. Yes, I was there.

22 Q. And you attended?

23 A. I paid for that dinner so I was
24 there.

25 Q. Where was that dinner?

1 M. Srour

2 A. In a restaurant in New York.

3 Q. Which restaurant?

4 A. I don't recall the name.

5 Q. Do you recall who attended?

6 A. Yes, I was there. I just said I
7 paid for the dinner.

8 Q. Okay. Who attended?

9 A. For my side I knew Avish was there,
10 Milan and my son jack.

11 Q. Anyone else from your side?

12 A. No.

13 Q. What about from the Go Global side?

14 A. I know Christian was there. If I'm
15 not mistaken, one or two ladies were there.

16 Q. What did you discuss at this
17 dinner?

18 A. We discussed -- first we got
19 introduced to each other. We discussed what
20 we should do with this whole operation.

21 Q. And what did you discuss in terms
22 of what you should do with this whole
23 operation?

24 A. I am really not -- I don't recall
25 what was discussed with that.

1 M. Srou

2 Q. Do you recall any topics that were
3 discussed other than an introduction?

4 A. The subject over here, what they
5 were doing over there, and what we are able
6 to do. And I know that there were coming in
7 with \$25 million into the table.

8 Q. What did they tell you that they
9 could do?

10 A. That they have the IT for it. That
11 they are retailer in some Jen & Jack Stores
12 or something like that. And we discussed
13 what we were able to add into this, into this
14 partnership.

15 Q. You just said we discussed whether
16 DOM could add into the partnership, is that
17 accurate?

18 A. Yes.

19 Q. Was the idea that Go Global would
20 be the general partner?

21 A. What do you mean by general
22 partner?

23 Q. Let me rephrase. Was the idea that
24 Dream On Me would provide money to Go Global
25 and Go Global would run the day-to-day

1 M. Srour

2 business if you guys did a joint partnership?

3 A. Not at all.

4 Q. And have one business?

5 A. No, we would go in as a partner

6 together in this, what you call it -- in

7 this -- technically we would do a

8 partnership. Dream On Me does not invest.

9 Q. And at this meeting, did you

10 understand that Go Global wanted Dream On Me

11 to be a limited partner?

12 A. What do you mean by limited?

13 Q. Did you understand they didn't want

14 you to be actively -- that Go Global didn't

15 envision Dream On Me actively running the

16 day-to-day business?

17 A. That's what I understood the

18 meeting that we had on Thursday when we had

19 Jack on the phone.

20 Q. I'm asking about this meeting on --

21 A. No, the discussion if I -- the

22 discussion was that we are doing it

23 together.

24 Q. They never told you that they would

25 be running the day-to-day business?

1 M. Srouer

2 A. I will not have a second meeting
3 with them if that's what I understood from
4 that -- if that was their intention.

5 Q. Sorry, my question is they never
6 told you at this meeting on June 12 that they
7 envisioned that Go Global would be running
8 the day-to-day to business?

9 A. I'm answering you back that if that
10 was the topic, I would not have had a second
11 meeting with them on that Thursday.

12 Q. Understood. I didn't understand
13 your response. Thank you for clarifying it.

14 Milan also writes in the second
15 paragraph, "Investment opportunity. This is
16 a once in a lifetime opportunity to be one of
17 the owners of such an iconic retail brand."
18 Do you agree with that?

19 A. Correct.

20 Q. It was a once in a lifetime
21 opportunity?

22 A. It is.

23 Q. And you guys were very excited
24 about potentially winning a bid, is that
25 right?

1 M. Srouer

2 A. Correct.

3 Q. In fact, you had been interested
4 since 2021, is that right?

5 A. Correct.

6 Q. So you were --

7 A. You need to understand the
8 background of this here. I've been in this
9 business for the last 45 years. This is my
10 business. Anything that have to do with the
11 juvenile furniture, baby gear, clothing,
12 anything that -- any merchandise that a baby
13 store sells, that's my business.

14 We in Dream On Me, we have approximately
15 around 2,000 SKU's that we sell into the
16 market. So this is my business.

17 Now we were a vendor of the buybuy BABY.
18 And we did a large amount of sales with them
19 over the years. So we knew the operation
20 inside out. We knew the mistakes that they
21 were doing that we knew that we were able to
22 correct it on the spot.

23 So for me to get into this business was
24 a win/win.

25 Q. So you weren't going to let an

1 M. Srou

2 opportunity slip by you, is that right?

3 A. Correct.

4 Q. You were going to be very

5 aggressive about winning the bid, is that
6 right?

7 A. Hundred percent. Again, we had the
8 intention of doing it back from '21 and '22.

9 Q. I'm on the second page of this
10 email. In the middle there's a paragraph
11 beginning with the word summary.

12 A. Yes.

13 Q. I will direct you to the last
14 sentence in that paragraph that says,
15 "Technology Funding Supply Chain, Human
16 Capital Functions, they all have the inherent
17 risks and we shall be going into uncharted
18 territory, but Newco Management works
19 collectively as a team and collaborate
20 nicely, BBY can again go to the place for
21 U.S. consumers."

22 Do you see that sentence?

23 A. Yes, I see it.

24 Q. Do you agree with that sentence?

25 A. According to him.

1 M. Srouer

2 Q. I'm asking if you agree with it?

3 A. The main thing for me is the supply
4 chain, not the technology.

5 Q. Was DOM going to be in unchartered
6 territory if they won the bid?

7 A. What do you mean by unchartered
8 territory?

9 Q. Well, I'm reading the sentence and
10 Milan says he's going to be in unchartered
11 territory and I asked if you agreed.

12 A. I don't even understand what he
13 means by --

14 Q. Does DOM have experience operating
15 technology for retail stores?

16 A. No.

17 Q. Does Dream On Me have experience
18 with funding for retail stores?

19 A. What do you mean by funding?

20 Q. Well, again, I'm pulling these
21 terms from the sentence that I read.
22 Mr. Gandhi writes that technology funding
23 supply chain and Human capital functions are
24 all inherent risks. I'm asking if Dream On
25 Me has experience managing those kinds of

1 M. Srouer

2 risks.

3 Does Dream On Me have experience
4 managing a risk with regard to funding?

5 A. You know in business you hire
6 people to get you there. That's basically
7 what we did.

8 Q. You didn't have experience, is that
9 right?

10 A. We did not, but we had the
11 people -- we hired people that -- that's what
12 they do.

13 Q. You hired people to fill in the
14 gaps for that experience, is that right?

15 A. Yes.

16 Q. Same question, but for supply
17 chain.

18 A. Supply chain I was depending on
19 myself.

20 Q. Did you have experience with
21 supply -- do you have experience with supply
22 chain?

23 A. For the last 45 years.

24 Q. What is your experience?

25 A. My experience is the last 45 years

1 M. Srour

2 being involved in baby items. I have my own
3 two offices in China, one up north, one down
4 south.

5 I employ over there over -- close to, I
6 believe, 35, 40 people. I have an office in
7 India with 80 personnel over there working
8 for us. I have an office in Vietnam. I have
9 an office in Turkey. So that's where my
10 supply chain is coming.

11 I have my own factory in China where we
12 do all -- most of our furniture.

13 Q. Are those companies that you're
14 mentioning, are they part of the Dream On Me
15 family?

16 A. Yes.

17 Q. What are the names of those
18 companies?

19 A. There are no companies. They are
20 my employees over there.

21 Q. And they work for Dream On Me, Inc.
22 or Dream On Me, Industries?

23 A. Correct.

24 Q. What else are you making? What
25 else are you manufacturing other than

1 M. Srouer

2 furniture?

3 A. We manufacture strollers, walkers,
4 bedrails, you name it. Whatever we see as an
5 opportunity we're able to sell in the baby
6 market, we manufacture it.

7 MR. BERLOWITZ: This is, I believe,
8 Plaintiff's Exhibit 6.

9 Q. I will change topics Mr. Srouer. I
10 apologize, I keep -- I think I keep
11 mispronouncing your name.

12 A. It's fine. You don't need to --
13 you can call me Mark.

14 Q. You can call me Steve as well. I
15 appreciate that, Mark.

16 A. Sure.

17 Q. Mark, do you know whether Dream On
18 Me requested access to Go Global's data room?

19 A. The whole idea of the NDA that was
20 signed was to get access into the Go Global
21 data room.

22 Q. So Dream On Me did have access, is
23 that right?

24 A. Yes, I believe we did.

25 Q. And did Dream On Me download the

1 M. Srour

2 contents of that data room?

3 A. As I mentioned before, what Go
4 Global did, they went ahead -- they had
5 access to the Lazard data room. They were
6 able -- whatever was there, they transferred
7 it into their own data room and they just
8 changed the name.

9 They removed whatever was the buybuy
10 BABY there and they put Go Global.

11 Q. You don't work for Go Global, do
12 you?

13 A. No, I don't.

14 Q. You don't know what Go Global did
15 to develop its documents, do you?

16 A. Again, as far as I'm concerned, I
17 know that they copied the information that
18 was at Lazard and that information was
19 provided by the buybuy BABY team at that
20 time.

21 Q. Did anyone tell you that?

22 A. That's what my people told me.

23 Q. Who told you that?

24 A. Avish.

25 Q. Anyone else?

1 M. Srour

2 A. Basically I think he was the one
3 who was getting the access over there into
4 the Go Global.

5 Q. So Avish told you that Go Global
6 downloaded the documents from Lazard, copied
7 them, changed them and then presented them to
8 you?

9 A. Correct.

10 Q. Okay.

11 A. There was nothing new that they
12 provided us.

13 Q. Did you do anything to substantiate
14 or establish that that was true?

15 A. I have to go with what Avish is
16 telling me.

17 Q. You just relied on Avish?

18 A. Yes.

19 Q. Do you know how Avish learned of
20 this?

21 A. He seen the documents. He had
22 abscess to Lazard and access at Go Global.

23 Q. Do you trust Avish?

24 A. He wouldn't be with me if I didn't
25 trust him.

1 M. Srouer

2 Q. But he did sign an agreement that
3 you didn't authorize him to sign?

4 A. He was not authorized to sign,
5 correct.

6 Q. But you still trust him?

7 A. Yes, I do.

8 Q. Did you --

9 A. I'm very upset at him that he
10 signed the NDA without having a lawyer review
11 it, but things happen.

12 Q. Is it your testimony that Dream On
13 Me did not have a lawyer review the NDA
14 before Avish signed it?

15 A. Hundred percent. Again, they put
16 him under pressure just to sign the NDA.

17 Q. By they, you mean Go Global?

18 A. Correct.

19 Q. Anyone specific at Go Global?

20 A. If I'm not mistaken, he was
21 involved with Christian at that time or Jeff,
22 I don't know, one of the owners over there at
23 Go Global.

24 Q. Did you share any of the Go Global
25 documents you downloaded from the data room

1 M. Srouer

2 with anyone outside of Dream On Me?

3 A. Not that I recall.

4 Q. Did you review any of the Go Global
5 documents when they were sent to you?

6 A. No.

7 Q. Including the model?

8 A. The only thing I was looking at at
9 that time was the model, but I know that the
10 model was coming in from Lazard and we were
11 involved with the -- who was it over there?
12 From the buybuy BABY, the CEO at that time,
13 Patty the name was. And Alixpartners also
14 they were involved with them.

15 Q. I'm going to share another document
16 with you.

17 (Whereupon, at this time, an
18 exhibit was displayed via Zoom.)

19 (Whereupon, at this time, a
20 document was marked as Plaintiff's
21 Exhibit 6, as of this date.)

22 MR. BERLOWITZ: We'll mark this as
23 six.

24 Q. Do you see the document I'm
25 displaying on your screen, Mark?

1 M. Srour

2 A. Yes.

3 Q. This is a email from Mark to
4 Charles DOM. The subject is Go Global BBB
5 investment. And it attaches two documents,
6 1.6.2 baby 1.6.1 GG baby LRP document. This
7 is Bates stamped DOM 2943.

8 Do you recognize this document?

9 A. Yes.

10 Q. This is an email that you sent,
11 correct?

12 A. Yes.

13 Q. You sent it to Charles DOM, is that
14 right?

15 A. Yes.

16 Q. Who is Charles DOM?

17 A. My CFO.

18 Q. Is DOM his last name or is that
19 just --

20 A. That's the way I put them. I have
21 so many addresses in my mailbox over here so
22 I know exactly who it is and what.

23 Q. Was Charles involved in -- what is
24 Charles' last name?

25 A. Glickman.

1 M. Srour

2 Q. Was Mr. Glickman involved in --

3 A. No, he was not involved.

4 Q. He was not involved?

5 A. No.

6 Q. Why did you send him in this email?

7 A. Because he's my CFO.

8 Q. Well, if he's not involved, why

9 does he need to have this email?

10 A. Because he is my CFO at Dream On Me

11 and it was sent to him.

12 Q. Does he work with Milan?

13 A. I know that they talk together.

14 Q. The email below that you're

15 forwarding is an email from Avish dated

16 June 11, 2023. Do you see that?

17 A. Go ahead.

18 Q. And it says, "Attached is the

19 investment presentation by Go Global on BBB

20 and the financial model." Do you see that?

21 A. Yes.

22 Q. That sentence is, "They're bidding

23 [REDACTED] and expect another [REDACTED] as

24 working capital to run the business with [REDACTED]

25 plus stores." Do you see that?

1 M. Srour

2 A. Yes.

3 Q. Before you received this email, did
4 you know that they were bidding -- that Go
5 Global was bidding [REDACTED]?

6 A. I do not recall that.

7 Q. Before you received this email, did
8 you know that they expected another [REDACTED]
9 [REDACTED] past working capital?

10 A. I know that -- if that's their
11 model, that's the model.

12 Q. You didn't know this information
13 until Go Global provided it to you, is that
14 right?

15 A. If this is their model and that's
16 why they're looking at a total of 150,
17 \$160 million to run the operation so --

18 Q. I'm asking if you knew this
19 information before Go Global provided you
20 access to the data room?

21 A. I do not recall that.

22 Q. You do not recall knowing this
23 information, is that right?

24 A. I guess so.

25 Q. Okay. This graphic in the middle,

1 M. Srour

2 it begins with investment and has a couple of
3 bullet points and then there's another piece
4 on the right. Do you recognize this graphic?

5 A. Yes.

6 Q. This graphic is part of Go Global's
7 presentation, is that right?

8 A. Correct.

9 Q. It actually --

10 A. That's the first presentation. The
11 presentation that came in on June 14 or the
12 13th, you see where it says Go Global
13 [REDACTED] over there?

14 Q. Under the last full bullet point?

15 A. No. No. No. On the right side
16 where it says over there Go Global --

17 Q. Are you referring to this piece
18 here?

19 A. Yes.

20 Q. I see where you're pointing.

21 A. Now the presentation that was
22 shared with us from them on the 13th or the
23 14th of June, their name disappeared. So
24 they were not putting anymore money. In
25 discussion that we had on the 12th that they

1 M. Srouer

2 were -- they were coming in with [REDACTED] to
3 [REDACTED] into this partnership.

4 Q. This graphic is from, I want to
5 clarify, this graphic is from the Go Global
6 Baby, LRP model, is that right?

7 A. Yes, it says it over there.

8 Q. I'm showing you another email.

9 MR. BERLOWITZ: This email bears
10 Bates number DOM 2969. It is an email
11 from Mark to Michael Tennyson and Gary
12 Mason dated June 24, 2023 and this will
13 be Plaintiff's Exhibit 7.

14 (Whereupon, at this time, a
15 document was marked as Plaintiff's
16 Exhibit 7, as of this date.)

17 (Whereupon, at this time, an
18 exhibit was displayed via Zoom.)

19 Q. Do you recognize this email?

20 A. I recognize the name.

21 Q. This email was written by you,
22 correct?

23 A. Go ahead.

24 Q. And it's dated June 14, correct?

25 A. Correct.

1 M. Srouer

2 Q. It's sent to Michael Tennyson,
3 correct?

4 A. Correct.

5 Q. Who is Michael Tennyson?

6 A. He is my real estate partner.

7 Q. Does he work for Dream On Me?

8 A. No.

9 Q. Where does he work?

10 A. He have a company by the -- he is a
11 real estate developer.

12 Q. Do you know the name of his
13 company?

14 A. Ashland.

15 Q. Does he work for Ashland or does he
16 own that company?

17 A. He owns it.

18 Q. And you said he's a real estate
19 developer?

20 A. Correct.

21 Q. And you, in this email, are
22 forwarding the Go Global Baby, LRP model to
23 him, is that right?

24 A. Correct.

25 Q. Why did you forward it to him?

1 M. Srouer

2 A. Because I was looking to bring him
3 into the deal at this point.

4 Q. Had Dream On Me conducted any due
5 diligence in relation to the buybuy BABY
6 bankruptcy auction?

7 A. My people did, yeah.

8 Q. Did you send Michael Tennyson any
9 of your own internal due diligence?

10 A. I cannot recall that.

11 Q. But you did send him Go Global's,
12 is that right?

13 A. Go ahead.

14 Q. When you say go ahead, is that an
15 affirmation of what I just said?

16 A. Correct.

17 Q. Okay.

18 A. I do not recall sending him
19 anything else over there.

20 Q. Did you send him this document
21 because you wanted him to invest?

22 A. Correct.

23 Q. Did he invest?

24 A. No, he didn't have the money at
25 that time.

1 M. Srouer

2 Q. Did you discuss the Go Global model
3 that you sent with him?

4 A. I believe I did.

5 Q. When did you do that?

6 A. After I sent it to him?

7 Q. Was that a telephone call?

8 A. I believe so.

9 Q. And when you spoke with him, can
10 you please tell me about that conversation,
11 what was discussed?

12 A. Discussed for him -- I told him
13 that's what we are doing. We are investing
14 in the buybuy BABY and if he have the money,
15 to come in.

16 Q. What else was discussed?

17 A. Regarding the matter over there,
18 that's the only thing that was discussed.

19 Q. You also sent this email to Gary
20 Mason, is that correct?

21 A. Correct.

22 Q. Who is Gary Mason?

23 A. He works for Michael Tennyson.

24 Q. Do you know what Gary Mason does
25 for Michael Tennyson?

1 M. Srour

2 A. He is his CEO.

3 Q. Did Gary Mason participate in the
4 call you had with Michael Tennyson?

5 A. I cannot recall.

6 Q. Did you have an independent
7 conversation with Gary Mason about a
8 potential investment?

9 A. I don't think so.

10 (Whereupon, at this time, an
11 exhibit was displayed via Zoom.)

12 MR. BERLOWITZ: I'm now sharing a
13 new document. This is an email sent
14 from Mark to Michael Tennyson and Gary
15 Mason dated June 14, 2023. It bears
16 Bates number DOM 2995. This is
17 Plaintiff's 8.

18 (Whereupon, at this time, a
19 document was marked as Plaintiff's
20 Exhibit 8, as of this date.)

21 Q. Mark, do you recognize this
22 document?

23 A. Go ahead.

24 Q. If you please, could you say yes or
25 no to my questions?

1 M. Srouer

2 A. Yes.

3 Q. Thank you. You write, "Mike, look
4 into it. It's a great investment," is that
5 right?

6 A. Correct.

7 Q. Why did you think this was such a
8 great investment?

9 A. Because I was looking to invest in
10 it.

11 Q. By it, what is it, what is the
12 investment?

13 A. To invest in the buybuy BABY.

14 Q. And do you know whether Mike looked
15 into it?

16 A. If he looked into it, he may have.
17 I'm sure he did.

18 (Whereupon, at this time, an
19 exhibit was displayed via Zoom.)

20 Q. I'm showing you another email, but
21 I have one final question about the previous
22 document. I can bring it back up if that
23 helps although I don't think it's necessary.

24 What did an investment look like to you
25 at the time you sent that email to Tennyson?

1 M. Srour

2 MR. SKOFF: Objection to form, but
3 you can answer.

4 A. Can you ask that question again.

5 Q. Sure. Of course. What did an
6 investment look like to you at the time that
7 you sent that email to Michael Tennyson?

8 MR. SKOFF: Same objection. You
9 can answer.

10 A. It's a good investment. We have
11 the capital coming on it.

12 Q. I guess I want to know a little bit
13 more about the contours or details of the
14 type of investment you sought?

15 A. Investing in the buybuy BABY.

16 Q. For how much did you want from
17 them?

18 A. As much as he can come up with.

19 Q. How much did you think he could
20 come up with?

21 A. Come up with five, [REDACTED].

22 Q. And what role did you envision them
23 having?

24 A. What do you mean what role?

25 Q. Did you envision them helping you

1 M. Srour

2 run the day-to-day business if you --

3 A. No, only to invest money.

4 Q. When you seek investments, you only
5 want the money, is that right?

6 A. Correct.

7 Q. You don't want people -- you want
8 to be in charge?

9 A. Again, when we -- it's all depends
10 of what each person does. If that is his
11 business, if he's a business developer and
12 there is a property that we looking to buy or
13 something to develop, I do depend on him
14 because that's his business. He will take my
15 money and will invest it and then we'll share
16 the profit.

17 Q. I believe you said that Michael
18 Tennyson was a real estate developer?

19 A. Correct.

20 Q. So were you speaking to him because
21 you were interested in the stores that were
22 being auctioned off, the store leases?

23 A. Again, I've invested with Mike
24 Tennyson on many different real estate
25 projects. So for me to bring him in, if I

1 M. Srouer

2 have something and it's good, you know, it's
3 fair just to bring -- it's fair to bring the
4 person in.

5 Q. At that time --

6 A. Especially when you need money.

7 Q. I didn't mean to cut you off. Are
8 you finished?

9 A. Yes, I am.

10 Q. At the time you sent that email to
11 Michael Tennyson, were you thinking of buying
12 the intellectual property of buybuy BABY?

13 A. I was looking to get as much money
14 that I'm able to get from investors to try to
15 get the most stores to run it.

16 Q. You had a conversation with
17 Mr. Tennyson about this, is that right?

18 A. Yes.

19 Q. When you spoke to him, did you tell
20 him or was there a conversation about what
21 you were bidding on?

22 A. Listen, everyone knew who was
23 buybuy BABY. Buybuy BABY have been around
24 for the last 30 years so --

25 Q. Let me clarify. You understand

1 M. Srouer

2 that there is a difference between purchasing
3 the intellectual property assets of buybuy
4 BABY as distinct from the going concern,
5 correct?

6 A. Go ahead.

7 Q. Is that a yes?

8 A. Yes.

9 Q. So when you spoke to Michael
10 Tennyson, did you speak to him about buying
11 the stores --

12 A. Yes.

13 Q. Excuse me, please let me finish.

14 A. You're looking to get the IP and
15 the stores to make a package deal together.

16 Q. Okay.

17 A. We were having the same
18 conversation that we were having with Lazard.
19 We were having the conversation with 6th
20 Street. We needed money.

21 Q. I'm displaying an email on your
22 screen, just to change topics. It's from
23 Scott Englander to Mark. It is dated
24 June 15. It's Bates number DOM 3028.

25 (Whereupon, at this time, an

1 M. Srou

2 exhibit was displayed via Zoom.)

3 (Whereupon, at this time, a
4 document was marked as Plaintiff's
5 Exhibit 9, as of this date.)

6 Q. Do you recognize this email?

7 A. Yes.

8 Q. The email from Scott Englander, who
9 is Scott Englander?

10 A. He is also a real estate -- he's
11 involved in real estate. He works for JFR.
12 JFR is another partner of mine on the real
13 estate side.

14 And the same information that was sent
15 to Mike Tennyson was sent to Yussi.

16 Q. Scott Englander does not work for
17 Dream On Me, correct?

18 A. No, he works for JFR Global.

19 Q. And he is not an agent of Dream On
20 Me, is that correct?

21 A. No, he is not.

22 Q. You mentioned someone named, I
23 apologize if I mispronounce it, Yussy?

24 A. Correct.

25 Q. Who is Yussy?

1 M. Srour

2 A. Yussy is the owner of JFR. He is
3 also in the real estate business.

4 Q. Is Yussy Joseph Friedland?

5 A. Correct.

6 Q. Does Scott and Yussy work together?

7 A. Scott works for Yussy.

8 Q. Scott works for Yussy, okay?

9 A. Yes.

10 Q. You write to Yussy, the is on
11 June 14, "Yussy, I'm going in heavy into this
12 investment. That's my business for the last
13 43 years. Will like you to come in with me."
14 Do you see that?

15 A. Yes, correct.

16 Q. Did you speak to Yussy about this
17 deal?

18 A. I believe a week after or something
19 like that, yes, we did, we did speak to them.

20 Q. When you say we, did other people
21 from Dream On Me participate in this
22 conversation?

23 A. I believe during my meeting with
24 Yussy regarding this investment, we got Avish
25 on the phone and Yussy was asking Avish many

1 M. Srouer

2 questions.

3 Q. What questions was he asking?

4 A. I cannot recall the questions that
5 was asked, but he asked him about the
6 business, about the model.

7 Q. He asked him about the Go Global
8 model?

9 A. Not the Go Global. In general,
10 about this business.

11 Q. Do you know if you sent Scott
12 Englander or Yussy the Go Global model?

13 A. I believe I did.

14 Q. You did. Did you discuss the Go
15 Global model with them during that
16 conversation?

17 A. Yes.

18 Q. And do you know when that
19 conversation happened?

20 A. I believe the week after.

21 Q. The week after June 14?

22 A. Yes.

23 Q. What, in particular, in the Go
24 Global model did you discuss?

25 A. The same discussion that I had with

1 M. Srour

2 Mike Tennyson.

3 Q. And what was that?

4 A. To come in, into the deal.

5 Q. Were there any particular portions
6 of the Go Global model that you discussed
7 with Yussy or Scott Englander?

8 A. No.

9 Q. Did Yussy invest?

10 A. Yes.

11 Q. Did Scott invest?

12 A. Scott, no.

13 Q. Sorry, did you say no?

14 A. No.

15 Q. How much did Yussy invest?

16 A. [REDACTED].

17 Q. Do you know why he invested?

18 A. Because he trusted me and he knows
19 that that's my business.

20 Q. Did he say anything else about why
21 he invested?

22 A. Again, he -- he understands that
23 that's my business for the last 43 years.
24 And I'm running an operation of the Dream On
25 Me and it should be a win/win.

1 M. Srour

2 Q. What do you mean by win/win?

3 A. Going to be a good investment.

4 Q. For you and for Yussy?

5 A. Yes.

6 Q. Has it been a good investment?

7 A. That's a good question. No.

8 Q. Has Yussy invested with you in
9 other projects?

10 A. Not yet, but we working on other
11 things at the same time.

12 Q. You have other investors -- do you
13 have other investors in other projects, in
14 general?

15 A. I have two more investors that came
16 into the buybuy BABY with me.

17 Q. When you spoke to them to try to
18 convince them to join you, do they want to
19 see documents in general?

20 MR. SKOFF: Objection to form, but
21 you can answer.

22 A. Basically everybody is looking at
23 the model.

24 Q. They were all looking at the model.
25 In this instance with Yussy, he was looking

1 M. Srouer

2 at the Go Global model, is that right?

3 A. I'm -- if it was the Go Global
4 model, yes, it was.

5 Q. I believe you testified that you
6 did send the Go Global model to Scott
7 Englander and Yussy, is that right?

8 A. Yes.

9 Q. I just want to clarify, at the
10 bottom of this email there is what appears to
11 be attachments. One of those attachments is
12 the Go Global Baby, LRP model. Is it
13 accurate that this is the email that you sent
14 to Yussy and Scott Englander in which you
15 attached these documents?

16 A. Correct.

17 Q. Were there other materials that you
18 discussed with Yussy when you had your
19 conversation with him?

20 A. Not that I recall.

21 Q. You can't recall any other
22 documents that you discussed?

23 A. No, I do not.

24 Q. But you do recall discussing the Go
25 Global model?

1 M. Srouer

2 A. Yes.

3 Q. Okay.

4 MR. BERLOWITZ: I'm sharing with
5 you another document.

6 Q. Can you see it on your screen,
7 Mark?

8 A. Yes.

9 (Whereupon, at this time, an
10 exhibit was displayed via Zoom.)

11 (Whereupon, at this time, a
12 document was marked as Plaintiff's
13 Exhibit 10, as of this date.)

14 A. Go ahead.

15 Q. This is an email from Mark to Scott
16 Englander. It is dated June 16. It bears
17 Bates number DOM 3039. It appears to be one
18 page. Do you recognize this document?

19 A. Go ahead.

20 Q. Mark, I would appreciate if you
21 could say yes or no --

22 A. Yes.

23 Q. -- to my questions.

24 A. Yes.

25 Q. Thank you. You spoke previously

1 M. Srour

2 about scheduling a call with Yussy and
3 Englander and you write in this email, "Let's
4 schedule a Sunday call." Is that the call
5 that you were referring to?

6 A. I believe so.

7 Q. To the best of your recollection,
8 was there another call or another meeting
9 with Yussy and Scott Englander?

10 A. With Yussy, I had one meeting. And
11 with Scott, I had another meeting also.

12 Q. You had different meetings?

13 A. Yes.

14 Q. When did you speak with Scott?

15 A. Trying to -- it was on the Sunday
16 of the 16th or 18th.

17 Q. And what did you discuss?

18 A. I discussed also the whole
19 opportunity with the buybuy BABY.

20 Q. And Yussy did not participate in
21 that call?

22 A. No.

23 Q. Did you discuss with Scott the Go
24 Global model?

25 A. Yes.

1 M. Srouer

2 Q. What do you recall specifically
3 about what you discussed about the Go Global
4 model?

5 A. It's a good opportunity, come in,
6 bring me people.

7 Scott was looking to invest himself and
8 Scott was working with bringing other people
9 that he know that have money.

10 Q. You thought this was a good deal,
11 is that right?

12 A. I would not buy it if I didn't
13 think it would be a good deal.

14 Q. You told Scott that you thought it
15 was a good deal, is that right?

16 A. Correct.

17 Q. And to substantiate that statement,
18 did you show Scott the Go Global model?

19 A. Yes.

20 Q. And what did he say when you did
21 that?

22 A. He liked the model.

23 Q. He liked the Go Global model, is
24 that right?

25 A. Yes.

1 M. Srour

2 Q. Did Scott bring anyone else to
3 invest?

4 A. He did bring me one guy that we
5 ended up -- we ended up letting him go.

6 Q. Did anyone else participate in this
7 meeting with you and Scott?

8 A. We had a person by the name Jacob
9 that was there. Avish was there. Milan was
10 there. And I think my son Jack was there
11 also.

12 Q. Who is Jacob?

13 A. Jacob was an investor that Scott --
14 a friend of Scott's.

15 Q. Does Jacob work for Dream On Me?

16 A. No.

17 Q. Is Jacob an agent for Dream On Me?

18 A. No.

19 Q. At the time you met with Jacob, he
20 didn't work for Dream On Me?

21 A. No.

22 Q. Do you know if Scott shared the Go
23 Global model with Jacob?

24 A. Yes, he did.

25 Q. Did you discuss the Go Global model

1 M. Srour

2 with Jacob?

3 A. Yes, in the meeting that we had.

4 Q. Do you know if Jacob shared the Go
5 Global model with anybody?

6 A. No.

7 Q. Do you know if --

8 A. One second. One second. I know
9 that Jacob got access into the Lazard data
10 room because he needed to sign an NDA for
11 that.

12 Q. To clarify, you do not know whether
13 he shared the Go Global model with anyone
14 else, is that right?

15 A. I do not know.

16 Q. Do you know whether Jacob had an
17 NDA or permission to view the Go Global data
18 room?

19 A. He had -- he did sign an NDA with
20 Lazard.

21 Q. Not with Go Global?

22 A. Not with Go Global. Now when you
23 are referring to the --

24 Q. Sorry?

25 A. I thought you -- nothing. Forget

1 M. Srour

2 it.

3 Q. One moment, please.

4 (Whereupon, at this time, there was
5 a pause in the proceeding.)

6 Q. Is Jacob, Jacob Sod?

7 A. Yes, Jacob Sod.

8 Q. Do you know if Scott shared the Go
9 Global model with anyone else other than
10 Jacob Sod?

11 A. I wouldn't know. I don't know what
12 he did with it.

13 Q. Okay. That's fine. Did Scott or
14 Jacob have questions about the Go Global
15 model?

16 A. I do not recall.

17 Q. In this email Scott writes to you
18 on June 16, "I wish you sent this to us
19 sooner."

20 And you respond, "Just received the
21 information the same day was sent out to
22 you." Do you see that?

23 A. Yes.

24 Q. What information are you referring
25 to?

1 M. Srour

2 A. I'm not sure.

3 Q. Could it be the Go Global model?

4 A. Possible.

5 Q. Similar question, the first email
6 on June 15 from Scott, he writes, "Just so
7 you are aware, Yussy was overseas the last
8 two weeks. He says he will review the
9 materials over the weekend and will call you
10 on Monday." Do you see that?

11 A. Yes.

12 Q. When he says the materials, do you
13 know what he's referring to?

14 A. The model that was shared with him.

15 Q. Is that the Go Global model?

16 A. If you want to call it the Go
17 Global --

18 Q. I want to know if he's referring to
19 the model that Go Global prepared?

20 A. Obviously he's referring to the
21 information that was sent to him back on the
22 13th or the 14th or the 16th there.

23 Q. And did that include Go Global's
24 information that you obtained from the Go
25 Global data room?

1 M. Srouer

2 A. I don't know. From the -- which
3 data room?

4 Q. You wrote that you sent the
5 information the same day that you got it.
6 When did you get the information?

7 A. The 13th, I believe, the 13th of
8 the month.

9 Q. Do you know what other information
10 you sent to Scott and to Yussy?

11 A. Basically the model.

12 Q. Did you send anything that Dream On
13 Me prepared to Scott and Yussy?

14 A. I don't recall that. There were
15 other models that were shared with the
16 investors so it wasn't only the Go Global,
17 what you call the Go Global.

18 Q. You did share the Go Global model,
19 right?

20 A. Again, there were many, what you
21 call it, many models were shared at that
22 time.

23 Q. I'm showing you another email.
24 This is from Avish to you and Milan. It is
25 dated June 14. The subject is Go Global BBB

1 M. Srour

2 document link. It bears Bates number DOM
3 2800.

4 (Whereupon, at this time, an
5 exhibit was displayed via Zoom.)

6 (Whereupon, at this time, a
7 document was marked as Plaintiff's
8 Exhibit 11, as of this date.)

9 Q. Do you recognize this document?

10 A. I believe that's the model.

11 Q. When you say you believe that's the
12 model, can you explain -- I'm asking if you
13 recognize the email?

14 A. How you want me to go back a year
15 back right now to understand and to look and
16 tell you exactly what it is.

17 If that's the model -- I believe what
18 was shared at that time was the model.

19 Q. This email continues with a drop
20 box link, is that correct?

21 A. Go ahead.

22 Q. I would appreciate it if you would
23 answer yes or no.

24 A. Yes. Sure. No problem.

25 Q. Just so you're aware, I just want

1 M. Srou

2 to create a clean record so your answer yes
3 or no would be appreciated.

4 I know it's easy to have a conversation,
5 but for the record, I would prefer clarity.

6 Does Dream On Me use Dropbox?

7 A. Yes.

8 Q. What does it use Dropbox for?

9 A. For information that's stored, for
10 information that we send between us.

11 Q. So you use it -- Dream On Me uses
12 it to store documents?

13 A. I believe so.

14 Q. Did Dream On Me use Dropbox to
15 store Go Global's work in relation to the
16 buybuy BABY auction?

17 A. I do not know that.

18 Q. Do you know why an email was sent?

19 A. No.

20 Q. Did you ever speak to Avish about
21 this email?

22 A. It was the model that was -- that
23 we were discussing among us all with the
24 investors.

25 Q. Have you ever been on the Dream On

1 M. Srour

2 Me Dropbox?

3 A. Not really.

4 Q. Never?

5 A. Again, to go back regarding the Go
6 Global model, what I understood was that this
7 is the buybuy BABY model that was taken from
8 Lazard, that Go Global just put their name on
9 it and they used that.

10 Q. I believe I recall you said your
11 basis for that understanding is that Avish
12 told you that?

13 A. Correct.

14 Q. Anyone else tell you that?

15 A. I don't know.

16 Q. Do you have any other reason to
17 believe that?

18 A. If I'm not mistaken, when we were
19 talking to the CEO of buybuy BABY, Patty and
20 to Alizpartners, they are the one that
21 created those models.

22 So all that information where you see
23 inside, this is not -- this is not Go
24 Global's information.

25 Q. I'm showing you -- excuse me I'm

1 M. Srour

2 showing you an email from Avish to Jacob Sod
3 and Scott Englander. It is dated June 19.

4 (Whereupon, at this time, an
5 exhibit was displayed via Zoom.)

6 (Whereupon, at this time, a
7 document was marked as Plaintiff's
8 Exhibit as of this date.)

9 MR. BERLOWITZ: It has Bates number
10 DOM 10868.

11 Q. Do you recognize this email?

12 A. Go ahead.

13 Q. Do you recognize this email?

14 A. I'm seeing it now.

15 Q. I'm asking if you remember this
16 email?

17 A. No, I do not remember this email.

18 Q. You're cc'd on this email, correct?

19 A. Yes.

20 Q. Avish writes, "Link below to data
21 room under DOM NDA." Do you see that?

22 A. Go ahead.

23 Q. Do you see that, yes or no?

24 A. Yes.

25 Q. Thank you. There's also a link

1 M. Srou

2 below that appears to be there?

3 A. Yes.

4 Q. What documents did Dream On Me keep

5 in Dropbox?

6 A. I do not know.

7 Q. Who would know?

8 A. Whoever sent it.

9 Q. So Avish would know?

10 A. He should if he's the one who sent

11 it.

12 Q. Is there anyone else who would

13 know?

14 A. Not that I can recall.

15 Q. This email was sent to Jacob Sod

16 and Scott Englander. Do you see that?

17 A. Yes.

18 Q. So Dream On Me is providing Jacob

19 and Scott access to documents with regard to

20 the buybuy BABY auction, is that right?

21 A. I believe so.

22 Q. At this point on Monday June 19,

23 what due diligence had DOM conducted in

24 relation to the auction?

25 A. You'll have to ask Avish.

1 M. Srouer

2 Q. You don't know?

3 A. No.

4 Q. Who else would know other than

5 Avish?

6 A. Avish and Milan.

7 Q. And anyone else?

8 A. No.

9 Q. At the bottom of the email, this is
10 from Scott Englander, he writes, "Here is the
11 chain." Do you see that?

12 A. Go ahead.

13 Q. Do you know if there was more to
14 this email that followed the sentence here,
15 here is the chain?

16 A. I don't know.

17 Q. You don't know?

18 A. No.

19 MR. BERLOWITZ: I would like to
20 request, I guess, the native production
21 of this email. We can discuss it
22 afterward.

23 MR. SKOFF: Send us requests in
24 writing after the deposition and we'll
25 take it under advisement.

1 M. Srouer

2 MR. BERLOWITZ: Understood.

3 A. As far as I know that's the only
4 model that was shared.

5 MR. BERLOWITZ: We've been going
6 for about an hour and a half. I would
7 like to take a quick break if that's
8 okay with everyone.

9 MR. SKOFF: Absolutely. 15
10 minutes.

11 (Whereupon, at this time, there was
12 a pause in the proceeding.)

13 Q. Mark, I believe you testified that
14 Dream On Me and Go Global had a meeting on
15 June 12 at a restaurant, is that correct?

16 A. Correct.

17 Q. And there was also another meeting
18 on June 15, is that correct?

19 A. Yes.

20 Q. The June 15 meeting was at your
21 office, is that right?

22 A. Correct.

23 Q. What was your view of Go Global
24 before the June 12 meeting?

25 A. I did not know nothing about them.

1 M. Srouer

2 Q. What did your employees at Dream On
3 Me think about Go Global?

4 MR. SKOFF: Objection to form.

5 Hold on. Objection to form, but you can
6 answer.

7 A. I know what they told me after the
8 restaurant meeting, that they are not
9 comfortable.

10 Q. What did they say to you before --
11 the restaurant meeting you're referring to is
12 the June 12 meeting?

13 A. Correct.

14 Q. What did they say to you before the
15 June 12 meeting about Go Global?

16 A. That let's sit and talk to them and
17 see exactly what they are able to offer us.

18 Q. Did they have an idea what Go
19 Global might be able to offer Dream On Me?

20 A. They were coming in to try to do
21 some kind of a partnership with them.

22 Q. And what was your view on what you
23 wanted Go Global to bring to the partnership?

24 A. From my understanding, that they
25 had some kind of IT over there that they are

1 M. Srour

2 specialized in or something like that, that's
3 what they're coming in with.

4 Q. You thought they can assist you
5 with IT; is that your testimony?

6 A. I have to take that call. One
7 second please.

8 (Whereupon, at this time, there was
9 a pause in the proceeding.)

10 A. Sorry about that.

11 Q. I want the record to reflect that
12 Mark, you took a phone call. That call
13 didn't have anything to do with this
14 litigation, did it?

15 A. No, not at all.

16 MR. BERLOWITZ: Can you read back
17 the last question.

18 (Whereupon, the record was read as
19 requested.)

20 A. Correct, yes. With IT and bringing
21 money into the table and they had their own
22 investors that they were coming in, that had
23 money to come in.

24 Q. So one reason you were interested
25 in Go Global is because of the money and

1 M. Srouer

2 investors, is that right?

3 A. Correct.

4 Q. And another reason is because of
5 the IT, is that right?

6 A. That's what they claim.

7 Q. I understand.

8 A. It doesn't mean -- what they're
9 hoping doesn't mean anything.

10 Q. When they claimed that, you were
11 interested?

12 A. We were listening.

13 Q. Any other reason you were
14 interested in speaking with Go Global?

15 A. No, there was no other reasons.

16 Q. No other reasons?

17 A. No.

18 (Whereupon, at this time, an
19 exhibit was displayed via Zoom.)

20 Q. I'm displaying a document, Mark, on
21 your screen. Can you see this?

22 A. Yes.

23 (Whereupon, at this time, a
24 document was marked as Plaintiff's
25 Exhibit 13, as of this date.)

1 M. Srouer

2 Q. I'm going to represent to you that
3 this is a transcript of the meeting that was
4 held on June 15.

5 Unfortunately it is a -- the transcript
6 is, I think, it's only half the transcript,
7 but I will ask you about the portions that
8 are in here.

9 First, I would like to ask you, you
10 participated in this June 15 meeting,
11 correct?

12 A. Yes.

13 MR. SKOFF: Objection. Can we mark
14 this as an exhibit. Is there a Bates
15 number?

16 MR. BERLOWITZ: There is not. We
17 just got this. I have not produced this
18 yet.

19 I'll represent to you, Judah, the
20 video was produced from DOM. That was a
21 recording of the June 15 meeting. This
22 is a transcript of it.

23 MR. SKOFF: When did you get this
24 document?

25 MR. BERLOWITZ: I got this document

1 M. Srouer

2 this morning.

3 MR. SKOFF: Okay. Where did you
4 get it?

5 MR. BERLOWITZ: This is done by, I
6 believe, Bee Reporting.

7 MR. SKOFF: It's an incomplete
8 transcript?

9 MR. BERLOWITZ: I'm representing
10 that unfortunately it's an incomplete
11 transcript because we are waiting for
12 the second half to be transcribed. I
13 don't know if it's exactly half, but
14 it's the top half.

15 MR. SKOFF: This was commissioned
16 by you?

17 MR. BERLOWITZ: Correct.

18 MR. SKOFF: Is it a certified
19 transcript?

20 MR. BERLOWITZ: I believe so.

21 MR. SKOFF: It's done by Bee
22 Reporting. Is there a signature with
23 the certification on it?

24 MR. BERLOWITZ: Do we have that?

25 (Whereupon, at this time, there was

1 M. Srouer

2 a pause in the proceeding.)

3 MR. SKOFF: I will object to the
4 use -- I will not stop the questioning,
5 but I will place a standing objection on
6 the record to the use of this transcript
7 because it's a rough draft which, you
8 know, it's a rough noncertified
9 incomplete transcript which has not been
10 produced.

11 So I'm not going to tell him not to
12 answer the questions. I'll allow the
13 questioning to go forward, but I'm going
14 to put a standing objection to any
15 questions related to this partial
16 transcript for the reasons stated.

17 MR. BERLOWITZ: That's fine.

18 That's fine. Thank you.

19 Q. I will back up. I apologize if I
20 asked you this question already, I'm just
21 trying to go in order. Mark, you
22 participated in the June 15 meeting,
23 correct?

24 A. Yes.

25 Q. Who else participated in that

1 M. Srour

2 meeting if you know?

3 A. I know Christian was there, Avish,
4 Milan, my son jack.

5 Q. Anyone else?

6 A. Jeff was on the Zoom with another
7 gentleman. There were two ladies over there.
8 And I think it was another gentleman there.

9 MR. SKOFF: Sorry one more thing,
10 could you email me a copy of this.

11 MR. BERLOWITZ: Yes. Jessica will
12 email it to you.

13 MS. MOORE: I will email it to you
14 right now.

15 Q. Mark, I see you have either a pad
16 or something in front of you. What are you
17 looking at?

18 A. What I'm looking at?

19 Q. Yes.

20 A. I'm looking at who participated in
21 those particular meetings since I'm aware of.

22 Q. Is that reflected on that note pad?

23 A. Just names.

24 Q. What else is on that note pad?

25 A. Nothing else.

1 M. Srouer

2 Q. Just names?

3 A. Yes.

4 Q. Were you referring to that note pad
5 when you were answering my questions right
6 now?

7 A. No, I'm just looking at it right
8 now for the first time.

9 Q. You have personal knowledge of what
10 was said at the June 15 meeting, is that
11 right?

12 A. Yes.

13 Q. Were you aware that the meeting was
14 being recorded?

15 A. No, I was not.

16 Q. Was anyone at DOM aware that the
17 meeting was being recorded?

18 A. I do not recall that. It's a new
19 office that we just moved in, my company just
20 moved in, and I think it was the first time
21 I'm appearing in that particular office.

22 Q. Did you tell anyone from Go Global
23 that the meeting was being recorded?

24 A. Again, I was not aware that there
25 was a recording of that meeting there.

1 M. Srour

2 Q. You didn't tell anyone?

3 A. I didn't know myself.

4 Q. Have you reviewed the recording

5 before today?

6 A. Yes, I did.

7 Q. When?

8 A. I was listening to it yesterday.

9 Q. I assume you didn't review it
10 during the buybuy BABY bankruptcy auction, is
11 that right?

12 A. What do you mean by reviewing it?

13 Q. Did you watch this video at any
14 time in June?

15 A. I think I did, yes, after the
16 meeting.

17 Q. When did you review it in June?

18 A. I'm not sure. I do not recall, but
19 I know that it was sometime in June.

20 Q. Do you know when you placed a bid
21 for the intellectual property assets of
22 buybuy BABY?

23 A. July sometime.

24 Q. It was in July?

25 A. I believe it was in July whenever

1 M. Srouer

2 that thing was purchased. I don't know if it
3 was in June or July. I'm not sure.

4 Q. Do you know if anyone from Dream On
5 Me who attended this meeting on June 15 was
6 aware that the meeting was being recorded?

7 A. I do not recall that.

8 Q. You had another meeting, I believe,
9 on June 12 at a restaurant, correct?

10 A. Correct.

11 Q. Was that meeting recorded?

12 A. No.

13 Q. No video recording?

14 A. No.

15 Q. No audio recording?

16 A. No.

17 Q. Did you or anyone from Dream On Me
18 take notes at the June 12 meeting?

19 A. I believe that Avish was taking
20 notes from that meeting there.

21 MR. BERLOWITZ: I don't believe we
22 have that in our production so I'll call
23 for that. I'm also going to call for
24 the production for the pad Mark was just
25 referring to previously.

1 M. Srour

2 Q. Did you take notes at the June 15
3 meeting?

4 A. I don't think I did.

5 Q. Do you know if anyone else from
6 Dream On Me took notes at the June 15
7 meeting?

8 A. I'm not sure of that.

9 Q. When did you become aware of the
10 existence of this recording?

11 A. Well, I was --

12 Q. I just want to clarify the record.
13 So I would like to withdraw that question.

14 When did you become aware of the
15 existence of the video recording of the
16 June 15 meeting?

17 A. I answered that before. It was
18 sometime in June.

19 Q. Okay.

20 A. One second. One second. We took a
21 break during that meeting and my IT person
22 advised me that the meeting is getting
23 recorded and we were able to listen to the --
24 what was going on in that meeting when we
25 were not there.

1 M. Srouer

2 Q. Did you listen to what was going on
3 in the meeting when you were not there?

4 A. Correct, yes.

5 Q. Who else was listening with you
6 when -- who else was listening with you?

7 A. I'm not sure who else was there.

8 Q. Was anyone else with you there?

9 A. I know there were some people with
10 me there, but I really do not recall who.

11 Q. Do you know if Avish was there?

12 A. I'm not sure.

13 Q. Milan?

14 A. I'm not sure. I know there were
15 people with me in there.

16 Q. What about your son Jack?

17 A. Jack was there.

18 Q. Do you remember what you were
19 listening to?

20 A. We were listening to the
21 conversation that they were talking among
22 themselves.

23 Q. And do you know what they were
24 saying?

25 A. If I recall, they were talking

1 M. Srouer

2 about plan B over there and we do not -- if
3 we do bring Dream On Me into the table, then
4 they going to lose the Por Group coming in as
5 an investor.

6 Q. Did you finish with your answer,
7 Mark?

8 A. Sorry?

9 Q. Are you finished with your answer?

10 A. Yes.

11 Q. You became aware during the meeting
12 on June 15 that it was being recorded; is
13 that your testimony?

14 A. Right now, yes, I am. I recall
15 that. It was --

16 Q. When you --

17 A. I was not aware to begin with. I
18 was aware when we took a break over there and
19 my IT person came to me and told me that this
20 thing is getting recorded. That's when he
21 connected us into the phone or something like
22 that and we were listening to them.

23 Q. Is your IT person Amit?

24 A. No.

25 Q. Who is your IT person?

1 M. Srouer

2 A. A guy by the name of Steve.

3 Q. What is his last name?

4 A. I'm not sure.

5 Q. Does he work for Dream On Me?

6 A. Yes.

7 Q. Does he still work for Dream On Me?

8 A. Yes.

9 Q. When you became aware during that
10 meeting that it was being recorded, did you
11 tell anyone from Go Global that the meeting
12 was being recorded?

13 A. No.

14 Q. Do you know if anyone else from
15 Dream On Me told Go Global that the meeting
16 was being recorded on June 15?

17 A. I don't know.

18 Q. Do you know if anyone from Dream On
19 Me told Go Global that the meeting was being
20 recorded after the meeting had occurred?

21 A. I do not know, no.

22 Q. Did you consult the recording of
23 this June 15 meeting after June 15?

24 A. What is your question?

25 Q. Did you watch the recording of this

1 M. Srouer

2 June 15 meeting after June 15?

3 A. I think I did, you know, part of it
4 or something like that.

5 Q. Why?

6 A. Just to understand what happened in
7 the meeting there.

8 Q. What, in particular, did you want
9 to understand?

10 A. What happened in the meeting.

11 Q. Can you --

12 A. I cannot be specific, no.

13 Q. Why can you not be specific?

14 A. I cannot. I forgot what it was.

15 Q. Was there something specific you
16 were trying to understand or learn when you
17 watched the recording after June 15?

18 A. I'm not sure. I -- I wouldn't know
19 how to answer that.

20 Q. Do you know if the video has
21 captions on it?

22 A. What do you call captions?

23 Q. A caption is when someone is
24 speaking and the words are written out at the
25 bottom. They're closed caption. Do you know

1 M. Srouer

2 if that video recording has captions?

3 A. If I'm not mistaken, it does not,
4 but my IT person was able to edit after.

5 Q. Do you know why your IT person
6 added captions to the video after?

7 A. I asked him to do that after.

8 Q. And why did you ask him to do that?

9 A. Because the video, it's not -- it's
10 not a hundred percent accurate.

11 Q. You wanted to be able to better
12 understand what was being said?

13 A. Correct, what was going on. And
14 also a transcript over there, it's not a
15 hundred percent.

16 Q. Did you get a transcript of this
17 recording?

18 A. Yes.

19 Q. Do you have a transcript in your
20 possession?

21 A. Yes, I do.

22 MR. BERLOWITZ: I would like to
23 call for the production of that
24 transcript.

25 A. We're saying transcript, I have the

1 M. Srouer

2 video, not the transcript.

3 Q. Okay.

4 A. I have the video.

5 Q. Let me back up. When I say
6 transcript, what I'm saying is, I'm asking if
7 you have a transcript. What I'm asking is do
8 you have a written document --

9 A. No.

10 Q. -- that transcribes everything that
11 was said at this meeting?

12 A. No, I do not.

13 Q. I am on page 112 of the transcript
14 that I am displaying to you. I would like to
15 draw your attention to what you are saying at
16 the bottom.

17 It reads, "Because I'm not seeing you as
18 an investor and I do not see myself as an
19 investor, we are actually working investors,
20 but we are technically -- we are married to
21 each other."

22 Do you recall saying something like this
23 at the meeting?

24 A. Yes.

25 Q. What did you mean by this

1 M. Srouer

2 statement?

3 A. They were pushing -- they were
4 looking to control the board. Now it depends
5 when this thing was mentioned, before or
6 after I find out that they're not investing
7 any money.

8 Q. Can you just explain further. I'm
9 not sure I follow.

10 A. You see, as I mentioned before,
11 there were a few models that were shared by
12 Go Global. On the first model they were
13 coming in with money. They were coming in
14 with [REDACTED]. And if I'm not mistaken,
15 during our June 12 meeting, they were coming
16 in with between [REDACTED] to [REDACTED].

17 All of a sudden right now on the last
18 model, they're removed themselves. They're
19 not coming in with any money.

20 Then I find out from Christian over
21 there that the money they were looking to
22 come in, they were taking a note against
23 their own company over there and that was
24 BS.

25 Q. When you just referred to someone

1 M. Srou

2 named Christian, is that Christian Feuer from
3 Go Global?

4 A. Correct.

5 Q. You said you thought that was BS?

6 A. BS, bullshit.

7 Q. Why did you think that?

8 A. Because I didn't like him from my
9 first meeting with them on the 12th. There
10 was a lot of BS going on with him.

11 Q. Can you tell me more about what you
12 thought was bullshit?

13 A. I did not feel comfortable with the
14 guy. The guy is a player.

15 Q. So at that point when you came to
16 this conclusion that you thought Go Global
17 was full of bullshit, is that the point that
18 you decided not to work with them?

19 A. We still -- I still wanted to meet
20 the head guy. That was Jeff. That he was
21 supposed to be in the 15th meeting. If it
22 wasn't a 15th meeting, there would not be any
23 meeting. So they dragging us to do on the
24 15th, a meeting, and they told us that he's
25 coming in from California.

1 M. Srour

2 On the day of the meeting, all of a
3 sudden we find out that he had other meetings
4 to attend so he's going to be on the Zoom
5 meeting there.

6 Q. At what point did you decide that
7 you didn't want to partner with Go Global?

8 A. When they are not coming in with
9 any money and they want to control the board
10 and they want to run their -- the total
11 operation with their own knowledge.

12 Q. And when --

13 A. They wanted -- again, they wanted
14 to bring me in because if I'm in, Por Group
15 will be coming in with [REDACTED]
16 coming in.

17 Q. When did you learn that? This is
18 my question.

19 A. When did I learn that? During, if
20 I'm not mistaken, it was mentioned -- it was
21 mentioned by them when they were talking
22 among themselves.

23 Q. You learned this watching the
24 recording on June 15, is that right?

25 A. Correct.

1 M. Srouer

2 Q. Did you tell them that you knew
3 that now?

4 A. No.

5 Q. It's at that point on June 15 you
6 decided you didn't want to work with Go
7 Global?

8 A. Again, the reason that --

9 Q. I'm not asking the reason. I'm
10 trying to understand when this happened.

11 A. In the meeting.

12 Q. During the meeting, thank you.
13 During the June 15 meeting, is that also the
14 time you thought you were going to make a
15 solo bid for the --

16 A. Again, I was doing a solo bid
17 regardless of Go Global, with Go Global or
18 without Go Global.

19 Q. Was it always your intention to do
20 a solo bid?

21 A. Not necessarily. Again, we are
22 looking for investors to come in with
23 money. I know from the beginning that the
24 operation is too big. It's a big operation
25 and if you want to succeed, you need money.

1 M. Srour

2 So if you are able to have outsider
3 money, it's always welcome. That's why we
4 had the meeting with them.

5 Q. Was it always your intention to
6 make a bid regardless of whether Go Global
7 joined you?

8 A. Correct.

9 Q. Thank you.

10 A. Again, we've been discussing the
11 whole buybuy BABY issue, you know, back from
12 '21, '22.

13 Q. It was your intention back in 2021
14 to make a solo bid?

15 A. Correct, not the solo bid, to
16 purchase the buybuy BABY.

17 Q. Also in 2022?

18 A. Between '21 and '21 we had
19 discussions with the Bed, Bath & Beyond
20 people, with the people, the CEO, from the
21 people inside the organization, to try to buy
22 the buybuy BABY when they were healthy, when
23 the operation was good.

24 And I'm repeating that again. They were
25 not able to separate between the two

1 M. Srour

2 companies therefore, this thing fell apart.

3 Q. After you found out that Go Global
4 was not going to contribute money to the bid,
5 how did your opinion of Go Global change?

6 A. They wanted to bring people in and
7 for them to want to run the show and make
8 money on the front end and the back end and
9 to run the show and to be the sole, what you
10 call it -- taking -- that this is their
11 operation and we are coming in as investors.

12 Q. My question is --

13 A. When I heard that, so there was no
14 reason for me to continue this whole meeting
15 there anymore.

16 Q. Is that because you didn't want to
17 be a limited partner or silent investor?

18 A. Not the point of a limited partner.
19 There is a lot that I'm able to offer.
20 That's why we were discussing the whole
21 thing. Therefore for me to be limited, just
22 an investor, I don't need that.

23 Q. Who else other than Michael
24 Tennyson, Scott Englander and Jacob Sod, who
25 else were you discussing a potential

1 M. Srour

2 investment into buybuy BABY with?

3 A. I discussed with many, many
4 investors.

5 Q. Can you name who those investors
6 are?

7 A. There were people from overseas.

8 Q. Can you tell me their names?

9 A. I know there was a guy by the name
10 of Danny El from Israel. There was another
11 person by the name of Yosi from California.

12 There were many investors that, you
13 know, that we tried to put this thing
14 together with, to bring money in.

15 Q. Is Yosi from California Joseph
16 Friedland?

17 A. No.

18 Q. It's a different Yosi?

19 A. Yes.

20 Q. And what's that person's name?

21 A. His name is Yosi Zamir. Z-A-M-I-R.

22 Q. Did you send materials --

23 A. Yes, I did.

24 Q. Did you send the Go Global models?

25 A. Again, you keep mentioning the Go

1 M. Srour

2 Global. That particular model, it's belonged
3 to the buybuy BABY that was at the Lazard
4 data room. They took it and they put their
5 name on it and they start using it.

6 So it's not Go Global model. Do not use
7 that it was their model. This is the Bed,
8 Bath & Beyond model that was created over
9 there by them and by Aliz.

10 Q. You might be referring to
11 Alixpartners?

12 A. Alixpartners, yes.

13 Q. Did you send a document titled Go
14 Global LRP --

15 A. I don't recall that.

16 Q. Do you know a gentleman, I will
17 mispronounce his name, Jacoba Azot?

18 A. That's another investor.

19 Q. How do you know this person?

20 A. He is my landlord at the Somerset
21 building.

22 Q. Did you send him Go Global -- the
23 Go Global LRP model?

24 A. A model was sent out to him, but I
25 don't know which model was sent.

1 M. Srouer

2 Q. Did you send a model to him?

3 A. No.

4 Q. You don't know if you sent the Go
5 Global model?

6 A. I don't know.

7 Q. Do you know who Charles Fern is?

8 A. That's another investor.

9 Q. And how do you know him?

10 A. He is a real estate broker.

11 Q. Did you send the Go Global model to
12 Charles Fern?

13 A. I sent the model. I don't recall
14 which model was sent out to him.

15 Q. Did you speak to Charles Fern about
16 the documents you sent?

17 A. Yes, we did have the discussions.

18 Q. Same question for Mr. Azot, am I
19 saying that right?

20 A. Correct.

21 Q. Same question.

22 A. Yes.

23 Q. You spoke with him?

24 A. Yes.

25 Q. What did you speak about?

1 M. Srour

2 A. The model is good. This is an
3 opportunity over here to, what you call it,
4 to take, what you call it, to start with it
5 and to build it.

6 You have to understand something, when
7 I'm talking to those people over here, there
8 are people -- they know who I am. They know
9 my business. So because we working together
10 with my business, therefore they come in as
11 an investor into the deal.

12 Q. You just said when you spoke to
13 Mr. Azot you said the model is good. Is that
14 something you said to Mr. Azot?

15 A. Yes.

16 Q. What did he say in response?

17 A. He say if you in it, if you believe
18 in it, I'll invest and that's what he did.

19 Q. He invested?

20 A. Yes.

21 Q. He invested because he believed in
22 the model?

23 A. He believed in Mark.

24 Q. You vouched for the quality of the
25 model, right?

1 M. Srour

2 A. I vouched for the name, the buybuy
3 Baby, for the idea of taking the buybuy BABY
4 over here and creating something with it.

5 Q. Why do you think the Go Global, LRP
6 model is a good model?

7 A. I'm not saying that it wasn't a
8 good model. I don't know which models were
9 shared with them.

10 Q. I'm asking --

11 A. We had modified it. We went ahead
12 and modified it many, many times. You keep
13 calling it the Go Global model. This is not
14 their model. They took this model from the
15 original, from the Lazard data room.

16 We had one of the meetings with Patty,
17 buybuy BABY, and we showed the model. She
18 said yes, this is our model, we created this
19 model.

20 Q. You said the model is good. Do you
21 recall saying that?

22 A. Yes.

23 Q. Why do you think that?

24 A. Because it was a good investment.

25 Q. Why do you think it was a good

1 M. Srouer

2 investment?

3 A. Because buybuy BABY has been around
4 for the last 30 years. There is a lot of
5 mistakes that they did over the years
6 especially on the buying. And for me to come
7 in and to convert 25, 30, 35 percent of the
8 buying into a direct import and an additional
9 35 to 40 percent of more, it is a good model.
10 That's what I'm calling a good model.

11 Q. You reviewed the model?

12 A. You know not for anything, I really
13 did not care about the number that they were
14 showing in the model over there as much as I
15 trusted what I'm able to bring into the table
16 under the direct import.

17 Q. Did you review the model?

18 A. Did I look at it?

19 Q. Yes. Did you tell your investors
20 including Charles Fern, Mr. Azot, Scott
21 Englander that you reviewed the model?

22 A. If I had forwarded them the model
23 so it's common sense that I reviewed the
24 model.

25 Q. I am still displaying part of this

1 M. Srour

2 transcript, rough transcript from June 15.

3 I want to direct you to a specific line,
4 according to this, Mark, you say, "If I have
5 to, I will. If it cost you a million dollars
6 to do the legwork that you did right now,
7 I'll be happy to pay for half of that. Of
8 course I'll pay it." Do you see that
9 sentence?

10 A. Yes, I do.

11 Q. Do you recall saying something like
12 that at the meeting?

13 A. Yes, I do.

14 Q. What did you mean by this?

15 A. And in the model there was an
16 option over there, it's called 2/20. The
17 2/20 reflects over here of how much money you
18 are raising. And based on that 2/20, that's
19 what they were looking to collect. That's
20 their cut before any distribution gets done
21 between the partners or the investors.

22 So at that time they were looking to
23 raise somewhere like [REDACTED]. So this is
24 going to be, what you call it, it's going to
25 be their cut every year, two percent of the

1 M. Srouer

2 [REDACTED] that was raised so a million
3 dollars going to go to them as just that they
4 created the model.

5 Q. Sorry, can you expand on that last
6 piece just a little. A million dollars is
7 going to them just because they created the
8 model --

9 A. Because they used the Lazard model.

10 Q. You're willing to pay -- is this
11 reflecting that you're offering to --

12 A. That particular --

13 Q. Mark, Mark, please let me ask the
14 question and I will give you time to respond,
15 okay.

16 MR. BERLOWITZ: Can you read back
17 just the unfinished question.

18 (Whereupon, the record was read as
19 requested.)

20 Q. -- to pay Go Global for the work
21 that they have done?

22 A. No.

23 Q. Why not?

24 A. This is -- this particular sentence
25 over here reflects where a conversation was

1 M. Srouer

2 going on before where I was -- when I had
3 advised them that I am not an investor over
4 here. I am a partner where I'm coming over
5 here to run the show. If they are in over
6 here, so we are partners, 50/50 on the whole
7 thing.

8 Q. You say here if it costs you a
9 million dollars to do the legwork --

10 A. Exactly.

11 Q. Mark. Mark.

12 A. Let me finish. You're asking a
13 question.

14 Q. I have not requested --

15 A. Let me answer it. Steve, don't
16 play with my head.

17 Q. Mark, I am not playing with your
18 head.

19 A. You are playing with my head. I am
20 trying to break down why I said what I said
21 over there.

22 Listen to me then, you might rephrase
23 your question.

24 This particular sentence over here was
25 about that we are partnering together, 50/50

1 M. Srour

2 between us. And whatever it costs them to
3 come to this line over here, I will share the
4 costs over there with them.

5 Q. Are you finished?

6 A. Go ahead, sir.

7 Q. You write, "If it costs you a
8 million dollars to do the legwork," do you
9 see that part?

10 A. Yes.

11 Q. What legwork had they done?

12 A. Whatever money they spend to come
13 to this point.

14 Q. When you say spend, spend money on
15 what?

16 A. On people, whatever it cost them in
17 money. I know they were working for a while
18 over there.

19 Q. You knew that Go Global was
20 devoting resources to developing a bid, is
21 that right?

22 A. Correct.

23 Q. And you knew that Go Global had
24 spent money in developing a bid, is that
25 right?

1 M. Srouer

2 A. Go ahead.

3 Q. Is that right?

4 A. Go ahead.

5 Q. Yes or no?

6 A. Yes.

7 Q. You offered to pay them for that
8 work, is that right?

9 A. That's on the condition that we are
10 partnering into the whole -- into the whole
11 model under a 50/50. Do you understand that?
12 That the two percent that they're looking to
13 charge the other investors, I told them I
14 don't care if you increase it to four percent
15 or six percent over there, that whatever
16 you're making, I'm making.

17 Q. Do you know what legwork Go Global
18 did --

19 A. Whatever work they did. If they
20 hire people --

21 Q. Mark. Mark.

22 MR. SKOFF: Let him finish the
23 question, Mark.

24 MR. BERLOWITZ: Thank you.

25 Appreciate that.

1 M. Srour

2 Q. Mark, do you know what legwork Go
3 Global had done up to this point?

4 A. No, I do not.

5 Q. You mentioned someone named Patty a
6 little while ago. Do you recall that?

7 A. Yes.

8 Q. Who is Patty?

9 A. Patty was the CEO of the buybuy
10 BABY at that time.

11 Q. And you had conversations with
12 Patty?

13 A. Yes, I did.

14 Q. Did you have a meeting with Patty
15 about --

16 A. I did, yes.

17 Q. What did you discuss at that
18 meeting?

19 A. We discussed the going forward with
20 the, what you call it, with the auction.

21 Q. Did you discuss the model that Go
22 Global developed?

23 A. It's not Go Global's model. Stop
24 mentioning that. She laughed at me when we
25 showed her the model. They told us this is

1 M. Srouer

2 our model. Stop saying Go Global model.

3 Q. When was your meeting with Patty?

4 A. Prior to our meetings, I believe.

5 Q. Sorry, I didn't catch that.

6 A. Prior to our meetings with Go
7 Global. Perhaps before or after. I am not
8 sure which.

9 Q. I'm a little confused. Is it your
10 testimony that you don't know?

11 A. I don't know. Could be before the
12 Go Global meetings or after the Go Global
13 meetings. I'm not sure when was exactly.

14 Q. Mark, I'm sharing a document with
15 you. It is an email from you to Steve
16 Goodman on June 19. It bears Bates number
17 DOM 11080. Do you see this document?

18 (Whereupon, at this time, an
19 exhibit was displayed via Zoom.)

20 (Whereupon, at this time, a
21 document was marked as Plaintiff's
22 Exhibit 14, as of this date.)

23 A. Yes.

24 Q. Do you recognize this document?

25 A. I don't -- I do not recall who is

1 M. Srour

2 Steve Goodman over there. I think he was an
3 investor or something like that that we
4 needed to share information with them. And
5 we were told that we -- any information that
6 we sharing with, it needs to have a DNA on
7 there.

8 Q. He wrote this email, correct?

9 A. Correct. It's not NDA. I see DNA.

10 Q. You wrote DNA. Did you mean NDA?

11 A. I believe so, yes.

12 Q. And NDA stands for nondisclosure
13 agreement?

14 A. Yes.

15 Q. NDA is an acronym that stands for
16 nondisclosure agreement?

17 A. Correct.

18 Q. You write here, "Don't worry about
19 the NDA," is that right?

20 A. Yes.

21 Q. Do you not worry about NDA's?

22 MR. SKOFF: Objection to form, but
23 you can answer.

24 A. What is your question?

25 Q. Do you worry about NDA's?

1 M. Srouer

2 MR. SKOFF: Same objection, but you
3 can answer Mark.

4 A. Yeah, of course, I worry about an
5 NDA.

6 Q. What do you mean by that?

7 A. What I mean by that? That if you
8 are sending information that needs to have an
9 NDA signed.

10 Q. No, when I said what do you mean by
11 that, I was referring to your statement that
12 you said, of course, I worry about NDA's and
13 I'm asking you to expand on that.

14 A. They wanted -- if I'm not mistaken,
15 to send them the information, Avish came to
16 me and told me that we need an NDA from him
17 and I told him don't worry, just send it.

18 Q. Why did you say that?

19 A. Because this guy was an investor
20 and again, we need -- I need investors coming
21 in.

22 Q. Do you know what documents you sent
23 to Steve Goodman?

24 A. The Lazard model.

25 Q. And any other documents?

1 M. Srouer

2 A. I'm not sure.

3 Q. Did you send the documents that
4 Dream On Me downloaded from the Go Global
5 data room?

6 A. Whatever was downloaded from Lazard
7 was sent out.

8 Q. What about from the Go Global data
9 room?

10 A. I don't have no idea what it was.

11 Q. So you don't know what was sent?

12 A. As far as I'm concerned, I'm going
13 to repeat it again, whatever information was
14 at the Go Global data room, they took it from
15 Lazard and they just put their name on it and
16 that's what -- that was their model.

17 Q. Avish writes below, "Hi Steven.
18 Attached is a high level BBB presentation
19 about the opportunity. Again, this is
20 confidential information and we'll need the
21 receiving party to sign NDA with Lazard." Do
22 you see that sentence?

23 A. Go ahead.

24 Q. Do you see that sentence?

25 A. Yes, I do.

1 M. Srour

2 Q. Thank you.

3 In light of that sentence, why are you
4 telling -- why are you writing not to worry
5 about the NDA?

6 A. I didn't want to complicate it for
7 him to wait to sign the NDA. I just wanted
8 to send him the information.

9 Q. Do you or Dream On Me sign a lot of
10 NDA's?

11 A. Whenever we need to, we do.

12 Q. Does that happen to be a lot? Can
13 you estimate?

14 A. I cannot recall that.

15 Q. Do you recall the last NDA you
16 signed?

17 A. I cannot recall the last one. I
18 think the one that we did with the buybuy
19 BABY.

20 Q. Do you think NDA's are binding?

21 A. They should.

22 Q. They're contracts, right?

23 A. If a lawyer read it and advised you
24 on it, it will bind.

25 Q. Is it your testimony that a

1 M. Srouer

2 contract is not valid unless a lawyer reads
3 it and advises you on it first?

4 MR. SKOFF: Objection. It calls
5 for a legal conclusion, but Mark, you
6 can answer.

7 A. You do need a lawyer to advise you
8 on it.

9 Q. If a lawyer doesn't advise you on
10 the NDA, does mean that the NDA is invalid?

11 MR. SKOFF: Same objection. Legal
12 conclusion, but Mark, you can answer.

13 A. I'm refusing to answer that
14 question.

15 Q. Why?

16 A. Because I don't want to answer it.

17 Q. I'm going to direct you to answer
18 the question unless Judah --

19 MR. SKOFF: Mark, you can answer
20 the question. If you don't know, you
21 don't know.

22 A. I don't know.

23 Q. I'm sharing with you, Mark, another
24 email. This email is from Patty Wu to
25 Brendan Shay and Avish. It is dated June 19

1 M. Srouer

2 and it bears Bates number DOM 10877.

3 (Whereupon, at this time, a
4 document was marked as Plaintiff's
5 Exhibit 15, as of this date.)

6 Q. Do you see this email in front of
7 you?

8 A. Go ahead.

9 Q. I realize you're not on this email,
10 but the email is from Patty to Avish and
11 Brendan says, "Hi Brendan. DOM will be
12 starting the due diligence project." Do you
13 see that?

14 A. Go ahead.

15 Q. Do you see that?

16 A. Yes, I do.

17 Q. At this point on June 19, had DOM
18 done due diligence in relation to the buybuy
19 BABY auction?

20 A. We've been doing due diligence
21 since we knew that they were -- that they
22 went under. That was back in April or March
23 of '23.

24 Q. What due diligence did Dream On Me
25 do?

1 M. Srour

2 A. You have to ask Avish that
3 question.

4 Q. You don't know the answer?

5 A. No.

6 Q. Other than Avish, would anyone else
7 know the answer to that question?

8 A. No, basically Avish.

9 Q. Just Avish, okay. Are you aware
10 whether any due diligence had been done prior
11 to June 19 by Dream On Me?

12 A. I know that we spent lots of time
13 working on the whole project.

14 Q. Who was working on the project?

15 A. Avish, Milan.

16 Q. Anyone else?

17 A. No.

18 Q. So Avish and Milan would know about
19 the due diligence?

20 A. Yes.

21 Q. What work was Avish doing on the
22 due diligence project?

23 A. You need to ask him that.

24 Q. What work was Milan doing on the
25 due diligence project?

1 M. Srouer

2 A. You need to ask him that. I know
3 that Milan was involved with Lazard. He knew
4 some people over there. He was getting
5 information from them besides whatever was
6 already shared on the data room.

7 Q. The date of this email is June 19,
8 correct?

9 A. That's what it's showing.

10 Q. This email was sent after you had
11 your June 15 meeting with Go Global, is that
12 right?

13 A. That's what it's saying there.

14 Q. And it was after your June 12
15 meeting with Go Global?

16 A. That's what it's saying on the
17 email.

18 Q. And this email was sent after Dream
19 On Me had downloaded Go Global's -- the
20 documents contained in Go Global's data room,
21 is that right?

22 A. That's what it's saying there.

23 Q. Okay.

24 MR. BERLOWITZ: I'm sharing another
25 email.

1 M. Srour

2 (Whereupon, at this time, a
3 document was marked as Plaintiff's
4 Exhibit 16, as of this date.)

5 (Whereupon, at this time, an
6 exhibit was displayed via Zoom.)

7 Q. This email is from Avish to Mark.
8 It is dated June 23, 2023. It bears Bates
9 number DOM 11644.

10 Mark, do you see the email I placed in
11 front of you?

12 A. All right. Go ahead.

13 Q. Avish writes to you, "They should
14 not use Go Global data. Scrap that." Do you
15 see that?

16 A. Go ahead.

17 Q. Do you see that?

18 A. Yes.

19 Q. Do you know why he's telling you
20 this?

21 A. No, I don't.

22 Q. Do you know why he is saying scrap
23 that?

24 A. I don't.

25 Q. Do you know if you had, by this

1 M. Srouer

2 time, shared Go Global data with anybody?

3 A. What was shared was in the Lazard
4 data room.

5 Q. Did you share the documents that
6 Dream On Me downloaded from the Go Global
7 data room as well?

8 A. I don't know what was shared.

9 Q. I'm saying in general.

10 A. I don't know.

11 Q. Have you shared those documents?

12 A. You have to ask those questions to
13 Avish.

14 Q. Will you agree with me that you
15 previously testified that you sent the Go
16 Global model to Scott Englander, is that
17 right?

18 A. Correct.

19 Q. And you sent it to Yussy Friedland?

20 A. To everybody.

21 Q. To everybody. You sent it to
22 everybody?

23 A. Again, yes -- that model, as far as
24 I know, came from Lazard that was shared by
25 the buybuy BABY originally and by

1 M. Srou

2 Alixpartners.

3 Q. Did you speak to Avish about this
4 email after he wrote it?

5 A. No.

6 Q. You didn't ask him about why they
7 shouldn't use Go Global data?

8 A. No.

9 Q. You didn't ask him about what he
10 means when he writes after that, when he
11 writes scrap that?

12 A. No, I didn't.

13 Q. Did you approach Yussy or Scott
14 Englander about the Go Global data you sent
15 them after Avish sent you this email?

16 A. Again?

17 Q. Sorry?

18 A. Can you ask it again.

19 Q. Sure. Did you approach Yussy
20 and/or Scott Englander after Avish wrote you
21 this email about scrapping the Go Global
22 data?

23 A. I do not recall that.

24 Q. Did you try to tell Yussy or Scott
25 Englander not to use the Go Global data?

1 M. Srour

2 A. What do you mean not use?

3 Q. Well, you sent them the Go Global
4 data, correct?

5 A. Go ahead.

6 Q. I'm asking now, after you sent that
7 information to them and after you received
8 this email from Avish, did you reach out to
9 Yussy or Scott Englander and tell them not to
10 use the Go Global data?

11 A. I do not recall that, doing so, but
12 I know they were many models that went back
13 and forth. Which model you are referring to
14 over here, I really don't remember.

15 Q. I'm more interested in whether you
16 spoke to them and said something to the
17 effect of don't use Go Global's data, did you
18 say anything to that effect to Scott and
19 Yussy?

20 A. I do not recall that.

21 MR. BERLOWITZ: We're at 12:52. I
22 think this is good stopping point for
23 lunch. I'm mean 45 minutes, an hour,
24 whatever you want.

25 MR. SKOFF: Let's just go off the

1 M. Srour

2 record.

3 (Whereupon, at this time, there was
4 a pause in the proceeding.)

5 MR. SKOFF: Let's come back at 1:45
6 and we'll finish up.

7 MR. BERLOWITZ: Sound good.

8 (Whereupon, at this time, there was
9 a luncheon recess.)

10 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

11 CONTINUED EXAMINATION BY

12 STEVEN BERLOWITZ, ESQ.:

13 Q. Mark, are you ready?

14 A. Yes.

15 Q. Mark, do you know what entity owns
16 the assets that were purchased at the buybuy
17 BABY bankruptcy auction?

18 A. I think we bought it at that time
19 under Dream 545 Canal, something like that.

20 Q. Are you familiar with a company
21 called BBY Acquisition Co., LLC?

22 A. Correct.

23 Q. Is that the company that owns the
24 assets you purchased in the auction?

25 A. I believe so.

1 M. Srour

2 Q. Does that company own BBB's
3 intellectual property assets?

4 A. I don't know the way we structured
5 it at that time. I'm not sure about that.

6 Q. Do you know whether that entity
7 owns the buybuy BABY store leases?

8 A. The leases, yes.

9 Q. It does own the leases?

10 A. The leases, yes.

11 Q. What store leases were purchased?

12 A. We purchased 11 leases at that
13 time.

14 Q. Have you purchased anymore leases?

15 A. No.

16 Q. So you just own the 11 you
17 purchased at the time of the auction?

18 A. Correct.

19 Q. Are you in the process of
20 purchasing anymore store leases?

21 A. Not at the moment.

22 Q. Mark, I'm sharing a document with
23 you.

24 (Whereupon, at this time, an
25 exhibit was displayed via Zoom.)

1 M. Srouer

2 (Whereupon, at this time, a
3 document was marked as Plaintiff's
4 Exhibit 17, as of this date.)

5 MR. BERLOWITZ: This document, for
6 the purposes of the record, please note
7 this document is marked attorney's eyes
8 only. It is bearing Bates stamp BBY
9 005 on the first page. And the title of
10 this document is Amended and Restated
11 Limited Liability Company Agreement of
12 BBY Acquisition Co., LLC.

13 Q. Do you see this document, Mark?

14 A. I'm looking at it.

15 Q. Mark, let me know when you're
16 ready. Mark, do you see in the first
17 sentence also in the title of the agreement,
18 it says Amended and Restated Limited
19 Liability Co. agreement?

20 A. What.

21 Q. Do you know if there was an
22 original agreement that predated this one?

23 A. No, I do not. I do not recall.

24 Q. If there was a document that
25 predated this one, would you have it in your

1 M. Srouer

2 possession?

3 A. I should have it somewhere if there
4 was.

5 Q. What do you understand BBY
6 Acquisition Co., LLC to be?

7 A. Yes, the company whose operating
8 the buybuy BABY.

9 Q. Okay. Are you involved in this
10 company?

11 A. Yes.

12 Q. What is your role?

13 A. Well, the last three months or so,
14 I took control over the company.

15 Q. Just the last three months?

16 A. Yes.

17 Q. What about prior, who was in
18 control then?

19 A. I was watching what is happening
20 and things got bad. That's when I got
21 involved.

22 Q. So who was in control -- who was in
23 control then?

24 A. The buybuy BABY team. Could be
25 more than three months. Could be four to

1 M. Srouer

2 five months that me myself got involved.

3 Q. You said that you noticed some bad
4 things. What did you mean by that, what bad
5 things? I don't mean things got bad, I want
6 to know what you mean by that?

7 A. The way they were running
8 operations was extremely not the way we
9 wanted to run it.

10 Q. Can you be specific about the way
11 in which the company was being run which you
12 thought was not correct?

13 A. Merchandise that was purchased,
14 quantity that was purchased, dead items that
15 were purchased. A lot of purchasing that was
16 extremely very -- they were not supposed to
17 be there, but they are there.

18 Q. And any other reasons?

19 A. That's the main thing. Everything
20 have to do with the purchasing.

21 Q. Before you took over, who was in
22 charge?

23 A. On the stores, I had Glen who was
24 in charge. Then I had the CEO Pete.

25 Q. Who is Glen?

1 M. Srouer

2 A. Glen is an ex-employee of the
3 buybuy BABY.

4 Q. What is Glen's full name?

5 A. I don't know -- I don't recall his
6 last name.

7 Q. And you also mentioned another
8 person. I believe you said his name is Pete?

9 A. Yes.

10 Q. Is that right?

11 A. Yes.

12 Q. Do you know Pete's full name? Are
13 you on your computer right now? Are you
14 looking at something?

15 A. Yes, I'm trying to get you the last
16 name.

17 Q. Okay.

18 A. Pete Daleiden.

19 Q. Can you spell that?

20 A. D-A-L-E-I-D-E-N.

21 Q. Okay. And what --

22 A. You want Glen's last name.

23 Q. Yes, please.

24 A. C-A-R-Y.

25 Q. Cary, okay. And what were their

1 M. Srour

2 roles at BBBY Acquisition Co.?

3 A. Glen is in charge of the stores and
4 Pete was the CEO.

5 Q. Is Glen still in charge of the
6 stores?

7 A. Yes.

8 Q. Is Pete still CEO?

9 A. Yes.

10 Q. What is your role at BBBY
11 Acquisition Company?

12 A. I'm controlling right now all the
13 buying. I implemented a lot of direct import
14 products into the system and I'm controlling
15 the finance.

16 Q. You are in charge of purchasing the
17 inventory for the company, is that right?

18 A. Not -- whatever we are bringing
19 under direct import, I'm in charge of it,
20 yes.

21 Q. Who does BBBY Acquisition Company
22 import from?

23 A. From factories in China.

24 Q. Are those Dream On Me factories?

25 A. Dream On Me factories -- Dream On

1 M. Srouer

2 Me vendors that we use in China.

3 Q. Are those your -- the factories
4 that you testified about earlier in this
5 deposition?

6 A. I do not recall what exactly I
7 said.

8 Q. I believe you said that you have
9 factories in China and other places abroad.
10 Do you recall that?

11 A. Correct, yes.

12 Q. Are you importing from those
13 factories?

14 A. Yes, I do.

15 Q. To BBY Acquisition Company?

16 A. Yes.

17 Q. Does Dream On Me make money when it
18 sells products or services to BBY
19 Acquisition Company?

20 A. Yes.

21 Q. Do you know how much money?

22 A. It depends.

23 Q. What about last year?

24 A. Whatever we are selling them
25 domestically we are averaging over there

1 M. Srouer

2 between 30 to 35 percent margin. Whatever we
3 are doing on the import side, it's
4 ten percent.

5 Q. Do you know what the gross revenue
6 was from that?

7 A. I don't have the numbers with me.

8 Q. Are you able to approximate?

9 A. In total sales, maybe somewhere
10 around [REDACTED] so far.

11 Q. And what year would that be for?

12 A. That's from the beginning.

13 Q. So from 2023 to date, the middle --
14 why don't you tell me.

15 A. Well, we started the operations
16 back, I believe, in October/November of '23
17 up to date.

18 Q. Okay. Thank you. That's helpful.
19 What are your responsibilities in your role
20 in regards to BBY Acquisition Company?

21 A. I just advised you of that before.
22 That I'm watching the buying and I'm doing --
23 and I'm watching the finance.

24 Q. Are you compensated for the work
25 that you do?

1 M. Srouer

2 A. Yes.

3 Q. How are you compensated?

4 A. I have a salary.

5 Q. Do you know what your salary is?

6 A. It's a million dollars a year.

7 Q. Did you get paid a million dollars
8 this past year for your work?

9 A. Actually, I did not. I did not get
10 paid, but it was considered as money that was
11 invested, that I had to put it in the
12 company, part of it.

13 Q. You haven't received any
14 compensation to date?

15 A. No.

16 Q. One second. Do you know what a DI
17 Fee?

18 A. D-I-B?

19 Q. DI Fee.

20 A. I have to do something with the
21 bankruptcy, the DIV --

22 Q. If I told you that DI stands for
23 direct import, would that make sense to you?

24 A. What does the B stand for?

25 Q. F-E-E, direct import fee.

1 M. Srour

2 A. First time I hear about it, DIF.

3 Q. I'm saying D as in dog, I as in
4 Ingrid and then I'm saying a word, fee,
5 F-E-E. F as in Frank, E as in Edward, E as
6 in Edward.

7 A. No, first time I hear about it.

8 Q. Do you know what a direct import
9 fee is?

10 A. That's the first I hear about it,
11 Steve.

12 Q. No, I'm just clarifying because I
13 was first using the acronym and I want to
14 make sure if I said the acronym fully whether
15 you knew.

16 Mark, I would like to direct your
17 attention to section 5.1.2. Do you see that?

18 A. Yes.

19 Q. Could you read that for a second
20 and let me know when you're done.

21 A. Okay.

22 Q. I just want to clarify that it says
23 at the very beginning, "For as long as he
24 serves as manager of the company, the company
25 shall share Srour or his designees an annual

1 M. Srou

2 management fee of \$1 million."

3 It goes on. I want to confirm, is the
4 Srou indicated in this paragraph, does that
5 refer to you?

6 A. If I'm not mistaken, I think also
7 my son Jack is included there with it.

8 Q. Okay.

9 A. So as long as we are there, yes,
10 correct.

11 Q. And you mentioned before that you
12 received compensation of a million dollars?

13 A. Yes.

14 Q. Is that what this is talking about
15 here?

16 A. Correct.

17 Q. I would like you to read 5.1.4,
18 please, and let me know when you're done.

19 (Whereupon, at this time, there was
20 a pause in the proceeding.)

21 A. Okay.

22 Q. This paragraph mentions a DI fee,
23 is that correct?

24 A. Correct, yes. Now I -- now I
25 understand where you come up with the DI

1 M. Srouer

2 fee.

3 Q. It's okay.

4 A. It's the first really that I heard
5 about it. I know that I signed those
6 documents over there.

7 Q. It's okay. I understand. When I
8 was saying the words DI fee, it came out of
9 my mouth like marbles.

10 Do you receive a DI fee in your role
11 related to BBY Acquisition Company?

12 A. Now this thing was not implemented,
13 but in the future, yes, but just -- I want
14 you just to understand what those fees are
15 coming from.

16 Q. Sure.

17 A. Now, as was mentioned prior, if you
18 go back to the, what they call, the Go Global
19 model, they had over there a 2/20. Where I
20 mentioned before that there is two percent
21 that they were going to get upfront based on
22 the total, whatever is getting, they're
23 raising, and 20 percent is that when they go
24 public or the sell the company, if whatever
25 is it above the original EBITDA, if the

1 M. Srouer

2 EBITDA, it's [REDACTED] on the day you are
3 selling the company, you selling it at [REDACTED]
4 [REDACTED] on the EBITDA, so you have right now
5 [REDACTED] in that you make, so the
6 [REDACTED] kicks in, will kick in after from
7 the [REDACTED] and you reduce the original
8 investment, that [REDACTED], you have [REDACTED].

9 Out of the [REDACTED], you will take
10 [REDACTED] percent out of that. Then whatever is
11 left, get distributed between the investors.
12 That's why they call it 2/20.

13 What I did with my investors, I did not
14 do that. I took a fee of the direct import
15 and the million dollars because I did not
16 charge them anything.

17 Usually when you organize, what you call
18 it, a venture like that, you always take
19 money upfront. I did not. I just took it as
20 a salary and as a DI fee.

21 Q. Your DI fee in section 5.1.4 is
22 listed as ten percent of the purchase price
23 of all direct imports purchased by the
24 company, the company being BBY Acquisition
25 Company, is that right?

1 M. Srou

2 A. Yes.

3 Q. And they're importing products from
4 Dream On Me factories, is that right?

5 A. What I'm saying Dream On Me
6 factories, that means they are Dream On Me
7 vendors that we use overseas.

8 Q. You don't own them?

9 A. Not my factories.

10 Q. Those aren't your factories?

11 A. They are not. One of the factories
12 that we are buying from it is, I do have a
13 joint venture in it.

14 Q. Which factory is that?

15 A. That's a factory in China.

16 Q. Do you know the name of it?

17 A. BN something over there.

18 Q. Do you know who owns that factory?

19 A. I own 50 percent out of that
20 factory.

21 Q. Who owns the other 50 percent?

22 A. A Chinese partner of mine.

23 Q. What is the Chinese partner's name?

24 A. Don't ask me for the last name, but
25 the first name it's Tony.

1 M. Srouer

2 Q. Do you not know the last name?

3 A. I have to dig in the papers just to
4 get you the last name.

5 Q. Are there any other factories or
6 companies that are -- that BBY Acquisition
7 Company takes direct imports from that you
8 own?

9 A. No.

10 Q. Just that one factory. It's just
11 that one factory?

12 A. Yes. Yes, only.

13 Q. Sorry. Okay.

14 A. Yes.

15 Q. Do you know if there are any
16 limitations on your compensation?

17 A. No, there is no limitation.

18 Q. No limitation?

19 A. There is a ten percent fee.

20 Q. I would like you to read 5.1.5 and
21 let me know when you're done.

22 A. 5.1.5?

23 Q. Yes.

24 (Whereupon, at this time, there was
25 a pause in the proceeding.)

1 M. Srour

2 Q. Have you read it, 5.1.5, Mark?

3 A. I'm reading it.

4 Q. Sorry.

5 (Whereupon, at this time, there was
6 a pause in the proceeding.)

7 A. It's the first time I see it.

8 Q. So this says, "For the avoidance of
9 doubt, Srour should not be entitled to any
10 management fee, capital event bonus for DI
11 fee in the event that the company fails to
12 purchase and acquire not less than 40 buybuy
13 BABY store leases from the debtors." Do you
14 see that?

15 A. Yes.

16 Q. Do you see that?

17 A. Yes, I do.

18 Q. How many stores were you interested
19 in buying when you made a bid for store
20 leases?

21 A. Originally we were looking to go in
22 for somewhere between 50 to 70 stores.

23 Q. You said originally. When were you
24 originally thinking about going for 50 to 70
25 stores?

1 M. Srour

2 A. Before getting into the auction.

3 Q. I'm asking you tell me around what
4 time you were thinking that?

5 A. Originally we wanted all the
6 stores, whatever was there, 150, 120 stores,
7 that were still left. We were looking to
8 acquire as much as we could. It's all based
9 on how much money are we raising.

10 Q. Why do you want more stores?

11 A. Because to open a new store will
12 cost you somewhere between two to \$3 million.

13 Q. Does the number of store leases you
14 purchase, would that have an impact with your
15 compensation with BBY Acquisition Company?

16 A. No.

17 Q. I believe the copy we have is
18 unsigned. This is a schedule. I'm trying to
19 find the signature page. Do you have happen
20 to have a signed copy of this document?

21 A. Yes, I have it somewhere.

22 MR. BERLOWITZ: We would like to
23 call for the production of that
24 document.

25 Q. Do you know if there are other

1 M. Srouer

2 versions of this document?

3 A. I know that every investor signed
4 it.

5 Q. Okay.

6 MR. BERLOWITZ: I'm calling for the
7 production of an executed copy of this
8 document as well as all versions of this
9 document.

10 MR. SKOFF: Just after the
11 deposition let's followup in writing.

12 MR. BERLOWITZ: That's fine. I'm
13 just trying to get it on the record.

14 MR. SKOFF: I understand.

15 A. Can you go back to the header of
16 that?

17 Q. Sure, the first page?

18 A. Yes.

19 (Whereupon, at this time, the
20 attorney scrolled through the exhibit as
21 requested.)

22 A. Is this an operating agreement? Is
23 that what it is stamped for?

24 Q. It says it's the Amended and
25 Restated Limited Liability Company Agreement.

1 M. Srour

2 I'm asking you. I don't know.

3 Let me go back to that provision real
4 quick. Do you know if there's a separate
5 operating agreement that's independent of
6 this agreement that we're looking at right
7 now?

8 A. There are agreements around.

9 Q. What agreements are those?

10 A. There is an operating agreement
11 that was signed with the investors.

12 MR. BERLOWITZ: I'll also call for
13 the production of that document.

14 Q. Going back to 5.1.5.

15 A. Hold on one second, 5.1.5?

16 Q. It's at the top of the page. Do
17 you see it?

18 A. Okay.

19 (Whereupon, at this time, there was
20 a pause in the proceeding.)

21 Q. It's the provision we looked at a
22 couple of minutes ago. Do you see it?

23 A. Yes. Yes.

24 Q. Do you know why compensation is
25 times the the acquisition of purchases of

1 M. Srouer

2 store leases?

3 A. I don't.

4 Q. Do you know who would know that?

5 Did you hear my question?

6 A. I'm trying to think how to answer
7 you.

8 Q. Okay.

9 (Whereupon, at this time, there was
10 a pause in the proceeding.)

11 A. It seems to me that the idea over
12 here was to open up more and more stores.
13 That's why this thing is there.

14 Q. Why would you want to do that?

15 A. Because we want to expand on the
16 operation.

17 Q. Do you know who the members of BBY
18 Acquisition Company are?

19 A. Sorry?

20 Q. Do you know who the members of BBY
21 Acquisition Company are?

22 A. Yes, you have the three investors
23 and me.

24 Q. Who are those three investors?

25 A. Joseph Friedland, Charles Fern and

1 M. Srou

2 Jack Azot.

3 Q. I'm looking now at schedule A. Do
4 you see that?

5 A. Go ahead.

6 Q. I see Joseph Friedland. Do you see
7 his name?

8 A. Yes.

9 Q. I see Charles Fern. Do you see his
10 name?

11 A. Yes.

12 Q. I don't see Jack Azot. Is he
13 represented somewhere else?

14 A. No, he's -- he put it under the
15 Mazer Partnership, LLC.

16 Q. Mazer partnership is Jack Azot?

17 A. Yes.

18 Q. Do you know what BBY MS Investor,
19 LLC is?

20 A. That's me.

21 Q. Do you know whether BBY
22 Acquisition Company files taxes?

23 A. As far as I know, they do.

24 Q. Have they filed taxes in 2023?

25 A. I believe so.

1 M. Srouer

2 MR. BERLOWITZ: I will call for the
3 production of those documents.

4 Q. Does BBY Acquisition Company have
5 financial documents prepared regularly?

6 A. Yes.

7 Q. Do you know what kind of documents?

8 A. The P&L.

9 MR. BERLOWITZ: I will call for the
10 production of the P&L as well.

11 Q. Any other documents?

12 A. That's basically what it is.

13 Q. Okay.

14 A. I'm going to make it easier for
15 you.

16 MR. SKOFF: Just leave it.

17 A. In '23 we showed a loss of
18 somewhere around [REDACTED] if I'm not
19 mistaken. Up to today we have losses close
20 to [REDACTED] to [REDACTED] above it.

21 Q. Did you say that's how much you
22 lost?

23 A. Yes.

24 Q. Okay.

25 A. Correct.

1 M. Srour

2 Q. I'll take this down and let's
3 switch topics. We discussed Jack Srour,
4 correct. Do you know who that is?

5 A. Yes, my son.

6 Q. That's your son?

7 A. Yes.

8 Q. Does Jack work for Dream On Me?

9 A. Used to.

10 Q. What does he do now?

11 A. Right now he's in the Yeshiva.

12 Q. He's not employed right now, he's
13 in school?

14 A. Yes.

15 Q. How old is Jack?

16 A. 33.

17 Q. Was Jack employed by Dream On Me in
18 2023 when Dream On Me was looking to make a
19 bid for buybuy BABY'S Bankruptcy auction?

20 A. Yes.

21 Q. What did Jack do for Dream On Me at
22 that time?

23 A. Jack was involved in my real estate
24 business. That was his main business.

25 Q. Did he do anything else?

1 M. Srouer

2 A. And we did use him in -- we tried
3 to teach him the operation -- tried to teach
4 him the Dream On Me business at the same
5 time.

6 Q. Did Jack work on the team that was
7 looking to make a bid in the BBBY bankruptcy
8 auction for Dream On Me?

9 A. If I'm not mistaken, if I'm not
10 mistaken, I think he was with me at the
11 auction.

12 Q. So did he work with you and others
13 at Dream On Me with regard to the bid?

14 A. I'm not sure about that.

15 Q. Do you know if Jack attended the
16 meeting on June 15?

17 A. Yes, he was there and also on the
18 12th.

19 Q. So is it safe to say he was working
20 with you and other Dream On Me members on
21 this bid?

22 A. Yes.

23 Q. Do you know what Jack's view on Go
24 Global was before the June 12 meeting?

25 A. I believe that he met them for the

1 M. Srouer

2 first time on June 12 and he told me stay
3 away from them.

4 Q. He said to you to stay away from Go
5 Global?

6 A. Yes.

7 Q. What did you say in response to
8 that?

9 A. I kept it in my back brain.

10 Q. Did you say anything to him when he
11 said that to you?

12 A. No, I did not discuss -- I don't
13 think I went into deep discussion with it
14 because I felt the same thing also.

15 Q. So you didn't ask him why he felt
16 that way?

17 A. No, I believe I did and he told me
18 he doesn't like -- he doesn't like -- he
19 didn't like the people first. He knew that
20 that they were slick and they were up to
21 something.

22 Q. That's what he said to you?

23 A. Yes.

24 Q. And he said that following the
25 June 12 meeting?

1 M. Srour

2 A. As soon as we left the June 12
3 meeting, he was mentioning it. Exactly,
4 because as we left, I think we hang out for a
5 few minutes outside. Avish was with us also
6 there and also Avish did not like them.

7 Q. Did anyone else tell you from Dream
8 On Me that they didn't like Go Global?

9 A. I know about Avish and Jack besides
10 myself.

11 Q. So is it your testimony that Avish
12 told you that Avish did not like Dream On Me?

13 A. He knew that something was funny.

14 Q. He thought something was funny?

15 A. He did not feel comfortable with
16 them.

17 Q. Did he say anything else to you
18 about Go Global?

19 A. I think that's enough.

20 Q. They said this to you on June 12 or
21 after the June 12 meeting?

22 A. Correct.

23 Q. But then you had a meeting between
24 Dream On Me and Go Global at Dream On Me's
25 offices on June 15, is that right?

1 M. Srouer

2 A. Yes.

3 Q. Why did you have that meeting in
4 light of what Jack and Avish told you?

5 A. Because I wanted to talk to the
6 main guy.

7 Q. That makes sense.

8 A. He was mentioned before.

9 Q. Do you recall Jack telling you that
10 Dream On Me does not have the logistics set
11 up to handle the execution of BBY assets?

12 A. The logistics?

13 Q. Logistics set up.

14 A. It's possible.

15 Q. After you won the bid for the
16 intellectual property assets and you won the
17 bid for the store leases, how did you extract
18 the technology from Bed Bath & Beyond?

19 A. Zero.

20 Q. What do you mean by that?

21 A. For us to run the technology that
22 was there, if I'm not mistaken, based on the
23 cost, will be somewhere around [REDACTED] a
24 year. They had all -- they had over there
25 old leases that we didn't use, Oracle,

1 M. Srour

2 Microsoft, so we had -- we had a meeting over
3 here that he is an expert, Amit in the IT, we
4 did it ourself and we pay much, much less
5 than that.

6 Q. So you used Amit?

7 A. He was the head of the IT.

8 Q. Did Dream On Me have a deal making
9 and funding team in relation to the bid they
10 were making for BBY's assets?

11 A. Sorry, again?

12 Q. Did Dream On Me have a dealmaking
13 and funding team in relation to its bid for
14 BBY assets?

15 A. What do you mean by a team?

16 Q. Did you have anyone at Dream On Me
17 whose focus was dealmaking and funding?

18 A. I was the one who was funding it.

19 Q. Did you have anyone whose expertise
20 was dealmaking and funding?

21 A. No.

22 Q. Did you have anyone at Dream On Me
23 whose expertise was legal?

24 A. We had the lawyer that was
25 representing us on the legal aspects of it.

1 M. Srouer

2 Q. Did you have anyone at Dream On Me
3 whose expertise concerned leases for retail
4 stores?

5 A. Can you ask that question again.

6 Q. Sure. Did you have anyone at Dream
7 On Me whose expertise involved leases for
8 retail stores?

9 A. What are you trying to ask by that?

10 Q. Are you asking for a clarification?

11 A. Yes. Clarification, yes.

12 Q. Did anyone at Dream On Me have
13 expertise in store leases?

14 A. I need to say no.

15 Q. Did Dream On Me --

16 A. But, but, we had spoken at that
17 time to that guy who was running the show of
18 the stores at the bankruptcy prior to the
19 auction. And my main concern was to know
20 what is the rent, what is the market value,
21 and I knew that I was getting stores below
22 market value per square foot.

23 The leases that was purchased were old
24 leases so you cannot compare it to today's
25 market value to what those leases were

1 M. Srour

2 originated for and they were long leases.

3 Q. The person who was helping you with
4 this was not employed by Dream On Me, is that
5 right?

6 A. No, he was not. He was an
7 outsider.

8 Q. Does Dream On Me have a financial
9 team?

10 A. I'm the financial team.

11 Q. Just you?

12 A. Yes.

13 Q. In terms of or with regard to Dream
14 On Me's bid for the BBY assets, you were the
15 financial expert?

16 A. Yes, correct.

17 Q. Does Dream On Me have an HR team?

18 A. A what?

19 Q. Human Resources team.

20 A. I believe we do.

21 Q. I believe you testified that Amit
22 is your technology IT expert, is that right?

23 A. Correct.

24 Q. And he was the one on the Dream On
25 Me team who was looking at technology with

1 M. Srou

2 regard to the BBY bankruptcy?

3 A. Correct.

4 Q. Who at Dream On Me would have been
5 involved with logistics or supply chain in
6 relation to Dream On Me for BBY's assets?

7 A. That question doesn't make sense.

8 Q. Why?

9 A. Because what does logistics have to
10 do with the bid?

11 Q. You don't think there's an issue
12 with logistics with regard to BBY's assets?

13 A. Nothing to do with it.

14 Q. You don't think there's an issue
15 with supply chain?

16 A. Supply chain, again, we are -- we,
17 under Dream On Me, we ship through the whole
18 country so logistics, we know who to use and
19 we know how to bargain.

20 Q. Before you placed the bid for
21 either the BBY, the intellectual property
22 assets or store leases, did you tell Go
23 Global that you were going to bid without
24 them?

25 A. I'm not -- I cannot recall that.

1 M. Srouer

2 They knew that what was our intention from
3 the beginning, that we are bidding on the
4 buybuy BABY.

5 My understanding now that the NDA that
6 they made us sign, it's like preventing us to
7 go without them. So they tricked us to sign
8 the NDA under rush over there to prevent us
9 going in by ourself, not just supplying --

10 Q. You just said that Go Global made
11 you sign the NDA. How did they make you sign
12 it?

13 A. They rush Avish to sign the NDA
14 that day on the Saturday to be able to talk
15 to them.

16 Q. Did you speak to Avish about the
17 events surrounding his execution of the NDA?

18 A. He knows I'm upset at him.

19 Q. Sorry, did you say you're upset
20 with him?

21 A. Yes.

22 Q. He knows that?

23 A. And he knows that he did a mistake
24 by not showing it to a lawyer because a
25 lawyer immediately will rip it up and cross

1 M. Srouer

2 out half of what all the restrictions that's
3 on it.

4 Q. No one made him sign it though,
5 right?

6 A. Listen, we were all excited to be
7 in the bid of the buybuy BABY. So if we --
8 if he did a mistake and signed it without
9 consulting a lawyer, he did a mistake and
10 he's admitting that he did a mistake.

11 Q. Do you recall what the timeline was
12 to submit a bid?

13 A. They were putting us under such a
14 big rush that every week they kept delaying
15 it and delaying it and delaying it trying to
16 get more investors to bid -- to bid on it at
17 the auction.

18 Q. What you refer to they, you're not
19 talking about Go Global?

20 A. Lazard, and also Go Global.

21 Q. Go Global was putting pressure on
22 you?

23 A. In the meeting on the 15th they
24 wanted us to sign to give them money on the
25 same day. What a joke.

1 M. Srour

2 Q. Would you agree that the amount
3 of -- would you agree that the timeline was
4 fairly expedited to make a bid here, it was a
5 short amount of time?

6 A. Yes, we were all under pressure.

7 Q. You were all under pressure. Did
8 Dream On Me obtain consent from Go Global for
9 Dream On Me to bid without Go Global?

10 A. Again, I don't know what happened
11 between them when they were talking on the
12 phone or what happened after, but I know that
13 Go Global knew that we are there collecting
14 information to go to the auction.

15 Q. Did they know that you were going
16 to bid without them?

17 A. If prior to June 10, yes because
18 they were recommended -- I know that Lazard
19 had introduced us, Go Global to us, and they
20 recommended that we get together and to
21 enjoin together to go into the auction.

22 Now what did Lazard had the benefit of?
23 I don't know. I won't be surprised that
24 Lazard had some kind of a deal with Go Global
25 that they might get a kickback if they are

1 M. Srouer

2 in, if they would win the bid.

3 Q. What makes you say that you
4 wouldn't be surprised that Go Global would
5 get a kickback?

6 A. Because they were pushing and
7 pushing and pushing for us to get together
8 and to do it together.

9 Q. Do you have any --

10 A. Even if I'm not mistaken, even at
11 the auction over there or at the day of the
12 auction, couple of days before the auction,
13 they were also still asking how come we're
14 not together with Go Global.

15 Q. Do you have any other basis to
16 believe that Go Global was getting kickbacks?

17 A. Lazard was pushing it.

18 Q. Did anyone tell you that Go Global
19 was getting kickbacks?

20 A. Again, it's a feeling.

21 Q. Just a feeling?

22 A. When somebody -- if you are the
23 auctioneer right now, and the more -- and the
24 more investors are there, technically the
25 price will only go up. By you reducing it by

1 M. Srouer

2 one, the price will go down.

3 So there is a reason why they want us to
4 join because, I believe, that there was some
5 kind of a kickback that they will be getting.

6 Q. I know I asked this, we got a
7 little sidetracked, did you obtain consent
8 from Go Global so that DOM could bid without
9 Go Global?

10 A. We did not -- again, the NDA over
11 there we did not -- I don't even think Avish
12 read the NDA at that time because if he read
13 it he would not sign it.

14 Q. Did he tell you that?

15 A. I believe it was mentioned a few
16 weeks ago, he mentioned that to me.

17 Q. He said that to you?

18 A. Yes, I believe -- I think we find
19 out about it back in July when we first
20 received the demand for the \$900,000 at that
21 time.

22 Q. But I just want to clarify, you do
23 not have anything in writing from Go Global
24 that gives you permission to bid without
25 them?

1 M. Srour

2 A. We did not know that we are not
3 allowed to bid without them.

4 Q. I'm asking you, do you have
5 anything in writing from them?

6 A. We do not.

7 Q. Did you speak to them and get oral
8 permission from them?

9 A. We did not because we didn't know
10 that we're not allowed to bid there without
11 them.

12 Q. I will share with you an email is
13 from Avish to Milan Gandhi and to you, Mark.
14 It is dated June 23. The subject is BBY
15 cash flow model.

16 (Whereupon, at this time, an
17 exhibit was displayed via Zoom.)

18 (Whereupon, at this time, a
19 document was marked as Plaintiff's
20 Exhibit 18, as of this date.)

21 Q. I can let you read this if you want
22 and let me know when you're finished. It is
23 a couple of pages so I will have to scroll
24 down and let me know when you're ready.

25 (Whereupon, at this time, there was

1 M. Srouer

2 a pause in the proceeding.)

3 A. Is that before the auction for the
4 stores or after?

5 Q. This, I believe, is before, but I'm
6 not certain. I will represent to you that I
7 believe this is before the auction for the
8 store leases.

9 (Whereupon, at this time, there was
10 a pause in the proceeding.)

11 A. Can you scroll down, please.

12 Q. Of course.

13 (Whereupon, at this time, the
14 attorney scrolled through the exhibit as
15 requested.)

16 A. Okay.

17 Q. This is the only portion of the
18 email I want to show you. I will ask you
19 some questions about it now.

20 So this email was sent from Avish, is
21 that right?

22 A. That's what it says.

23 Q. And you received this email,
24 correct?

25 A. Go ahead.

1 M. Srour

2 Q. Do you remember this email?

3 A. No.

4 Q. In the second sentence Avish writes
5 to you, "They are," they being Lazard, "are
6 indirectly telling us to do our own work."
7 Do you see that sentence?

8 A. Second paragraph?

9 Q. No. I'll highlight it. This
10 sentence. Do you see that sentence?

11 (Indicating.)

12 A. Go ahead.

13 Q. At this point, had Dream On Me not
14 done its own internal due diligence work?

15 A. Of course we did.

16 Q. What work had you done?

17 A. Whatever we needed to do.

18 Q. What does that entail?

19 A. I don't recall. You have to ask
20 Avish.

21 Q. Do you know why he's telling you
22 that Lazard is telling them that Dream On Me
23 doesn't do their own work?

24 A. Because I know that on the deal
25 like that, you have to have many, many people

1 M. Srouer

2 that are working on it. And we had only two
3 or three people working on this deal.

4 Q. Who was working on the deal who
5 were?

6 A. Avish, Amit and Milan.

7 Q. This was a big deal, right?

8 A. It is.

9 Q. Should you have had more people
10 working on it?

11 A. Let me get it first and then I'll
12 add the people that I need.

13 Q. I'm saying, should you have people
14 working to prepare the due diligence in order
15 to get the assets in the first place?

16 A. No.

17 Q. You thought your team was
18 sufficient to accomplish the deal?

19 A. No, I was depending on my direct
20 import expertise that that was going to make
21 us money in this deal.

22 Q. You said I believe that you were
23 the financial expert on the team, is that
24 right?

25 A. Go ahead.

1 M. Srouer

2 Q. Is that right?

3 A. I did not say an expert, but I was
4 the one who was doing the financials.

5 Q. What work did you specifically do
6 with regard to due diligence on this bid?

7 A. Very simple. I have money to do
8 it, yes or no.

9 Q. Is your role just to provide the
10 money for the bid?

11 A. Yes.

12 Q. You didn't provide any other
13 expertise?

14 A. No.

15 Q. No financial expertise?

16 A. No.

17 Q. The next sentence reads, "This also
18 shows our inability to do certain due
19 diligence internally." Do you see that
20 sentence?

21 A. Yes.

22 Q. What difficulties was DOM having
23 with regard to due diligence?

24 A. I have no idea. You have to ask
25 someone else.

1 M. Srouer

2 Q. You don't think Dream On Me was
3 having any difficulties?

4 A. Listen, the timing, the pressure,
5 the -- it was difficult. We were working
6 around the clock with this thing.

7 Q. The next sentence reads, "Every
8 other bidder has done more extensive work."
9 Do you agree with that sentence?

10 A. No.

11 Q. Why not?

12 A. Because I don't know what they did.

13 Q. How much work had Dream On Me done
14 up to this point? And just for context, this
15 email was sent on June 23.

16 A. I don't know. I cannot answer
17 that. That's not my email.

18 Q. Correct, but you are here in your
19 capacity representing Dream On Me so I'm
20 asking you if you know how much work Dream On
21 Me had done to this point and whether other
22 bidders had done more extensive work?

23 A. I cannot answer for other bidders.
24 I know we did whatever we were able to do.

25 Q. And what were you able to do?

1 M. Srour

2 A. At that time, we already had the
3 IP?

4 Q. I don't know. What were able to do
5 at that point?

6 A. We were gathering information from
7 the data room. And based on that, we went
8 ahead and purchased the IP.

9 Q. The next sentence in the following
10 paragraph reads, "We have to develop this
11 ourselves based on what has been already
12 shared." Do you see that sentence?

13 A. Yes.

14 Q. What had already been shared?

15 A. Don't know.

16 Q. Had Go Global's model been shared
17 with you up to this point?

18 A. This email is already showing the
19 June 19 over there, was it? Obviously it was
20 shared, June 23.

21 Q. So you had the Go Global model at
22 this point, correct?

23 A. Obviously. Again, it's not the Go
24 Global model. That's what was produced by
25 the buybuy BABY and we had it from the Lazard

1 M. Srour

2 data room.

3 Q. Avish writes, "We have to develop
4 this ourselves." Did you develop any due
5 diligence or any documents based on what had
6 already been shared with you?

7 A. You'll have to ask him that.

8 Q. You don't know the answer to that?

9 A. I cannot answer you, no.

10 Q. He writes, "Milan, can you help?
11 Can we even do this?" Do you see that?

12 A. Yes. If I'm not mistaken, they
13 wanted to see a model from us.

14 Q. I'm just asking if you see -- ?

15 A. Well --

16 Q. Mark. Mark.

17 A. He did not -- I cannot answer you.
18 Lazard wanted to make sure before us going
19 into the bid that we are able, we have the
20 financials to do so, do we have the capacity
21 over here to continue the process. If
22 that's -- if this is what it's referring to
23 over there, I don't know.

24 Q. Mark, I'm just asking do you see
25 the sentence that I've highlighted in the

1 M. Srouer

2 document in front of you that says, "Milan
3 can you help, can we even do this," do you
4 see that sentence?

5 A. Yes, I see it there.

6 Q. Do you know why Avish is asking
7 these questions?

8 A. Maybe Avish was overwhelmed by
9 then.

10 Q. Do you know that Avish was
11 overwhelmed?

12 A. I know he was working around the
13 clock.

14 Q. He was working around the clock on
15 this deal?

16 A. Yes.

17 Q. Who else was working around the
18 clock on this deal?

19 A. Milan.

20 Q. Anybody else?

21 A. And me.

22 Q. Anybody else?

23 A. That's it from our end. You had
24 also Amit.

25 Q. That's four. Anybody else?

1 M. Srouer

2 A. And I had also my lawyers, whatever
3 they were working on getting information from
4 the Lazard.

5 Q. Avish writes, "Can we even do
6 this?" Do you agree that there was a
7 question about whether you could accomplish
8 this deal?

9 A. I don't know what he's even
10 referring to so I cannot answer on his
11 behalf.

12 Q. In the middle of the same paragraph
13 Avish writes "Today they," they being Lazard,
14 "challenged our due diligence and
15 understanding of running this business by
16 asking us if we really know what it will take
17 to run the business, cash flow, positively
18 and if our numbers were matching the ask."
19 Do you see that sentence?

20 A. Would Lazard -- we were in talks
21 with 6th Street. 6th Street was controlling
22 the whole what happens at Lazard at that time
23 because they were the main, what you call
24 that, the main guy over there of the money
25 that was owed to them. We were working at

1 M. Sroul

2 the same time with 6th Street to bring them
3 in as an investor into the deal.

4 We spoke -- I know that we spoke to
5 many -- we had many conversations with them.
6 And I won't be surprised if that information
7 was shared between 6th Street and Lazard.

8 So if you are putting the two together,
9 it makes sense what they are, what is the
10 asking over here.

11 Q. The beginning of this sentence that
12 I'm referring to today, they, they being
13 Lazard, challenged our due diligence. Do you
14 see that on the screen, Mark?

15 A. Yes, I do.

16 Q. Do you know why they were
17 challenging your due diligence?

18 A. Again Steve, you asked me that four
19 times already. You have to ask those
20 questions to Avish. He wrote that email over
21 there. He will be able to answer you. I
22 can't answer on his behalf.

23 Q. That's why I'm asking --

24 A. I don't know.

25 Q. -- whether you know.

1 M. Srouer

2 A. You need to ask him those
3 questions. I'm sure he will have an answer
4 for you on that.

5 Q. Do you agree that at this time your
6 due diligence was deficient?

7 A. No.

8 Q. Why not?

9 A. Because again, the whole process
10 over here of getting the buybuy BABY depended
11 on my direct importability. By me getting
12 additional margin, it's going to make the
13 difference.

14 Q. In the next paragraph, Avish
15 writes, "Lack of proper internal teams,
16 professionals to work on this project, we are
17 all shooting in the dark with no internal
18 capabilities to help." Do you see that
19 sentence?

20 A. Yes, I do.

21 Q. Do you know why Avish is writing --

22 A. You need to ask him.

23 Q. Excuse me, please let me finish the
24 question.

25 Do you know why Avish is writing that

1 M. Srouer

2 there are a lack of proper internal teams and
3 professionals at Go Global to work on this
4 deal?

5 A. Where are you getting Go Global in
6 the middle of this?

7 Q. I may have misspoken. Do you know
8 why Avish is writing that there is a lack of
9 proper internal teams and professionals at
10 Dream On Me who are working on this deal?

11 A. I don't think he's referring to
12 Dream On Me over here.

13 Q. Why do you say that?

14 A. I don't know. Again, you have
15 to --

16 Q. You don't know why you just said
17 that?

18 A. You need to ask him that question.
19 He will answer you. I'm not here to -- I'm
20 not going to answer on his behalf.

21 Q. I'm asking you to answer on his
22 behalf.

23 A. I do not know, Steve.

24 Q. He writes in the next part of that
25 sentence, "We are all shooting in the dark

1 M. Srouer

2 with no internal capabilities to help." Do
3 you see that part of the sentence?

4 A. Go ahead.

5 Q. Would you agree with me that when
6 he says we, he is referring to Dream On Me?

7 A. I believe so.

8 Q. And he is saying that you're
9 shooting in the dark with no internal
10 capabilities, is that right?

11 A. That's what he's saying there.

12 Q. Do you know whether he's saying
13 that?

14 A. No, you would need to ask him.

15 Q. Is it your opinion that Dream On Me
16 was shooting in the dark with no internal
17 capabilities to help?

18 A. No.

19 Q. Why do you say that?

20 A. Because.

21 Q. Because why?

22 A. Because depends on the direct
23 import that would make up the difference.

24 Q. You realize that -- do you realize
25 that Avish is referring to the due diligence

1 M. Srour

2 and the efforts that Dream On Me would need
3 to put in to win the bid?

4 A. I don't know what he was referring
5 to.

6 Q. Okay. He next writes, "While we
7 were trying to do deals, there should have
8 been a team of ours with legal, financial and
9 technology capabilities working in the
10 background on due diligence and working with
11 their operating teams." Do you see that
12 sentence?

13 A. Yes.

14 Q. Did Dream On Me up to this point
15 have a team, a legal team working on due
16 diligence?

17 A. Yes, the legal team was working
18 with us.

19 Q. Who was on that legal team?

20 A. My lawyer at that time.

21 Q. Who is your lawyer?

22 A. Ian.

23 Q. Ian, is that Ian Winters?

24 A. Yes.

25 Q. Anyone else?

1 M. Srouer

2 A. He had, I think, two or three
3 lawyers also at the same time there.
4 Stephanie, Brendan, Brad. I forgot -- I know
5 Brendan and I know about Stephanie.

6 Q. Did Dream On Me have a financial
7 team working on due diligence at this point?

8 A. I was the financial team that was
9 working on it.

10 Q. And what did you do in terms of due
11 diligence?

12 A. If I had the money, I'll go ahead
13 and buy it. If I do not have the money, I
14 would stay away from it.

15 Q. You were just providing the
16 funding?

17 A. Yes.

18 Q. You provided no other input as far
19 as due diligence?

20 MR. SKOFF: I object. I think this
21 question has been asked ten times
22 already.

23 A. I don't understand what he's trying
24 to --

25 MR. SKOFF: You can answer again.

1 M. Srour

2 Q. Sorry, what is your answer?

3 A. I forgot the question.

4 (Whereupon, at this time, the record was
5 read as requested.)

6 A. Correct, yes.

7 Q. I believe we discussed that
8 technology was Amit's sphere?

9 A. Correct.

10 Q. In the middle, the paragraph that
11 says we have one expert, Avish writes, "This
12 is a large investment." Do you agree that
13 this was a large investment?

14 A. Yes, it is.

15 Q. In the next sentence he writes, "We
16 do not know much about other areas to
17 validate transition and validation of
18 information." Do you see that sentence?

19 A. Yes.

20 Q. Do you agree with that sentence?

21 A. No. Because what we did, we hired
22 the buybuy BABY team and the transition was
23 very smooth.

24 Q. At the time that Avish wrote this
25 email, had you hired the buybuy BABY team?

1 M. Srouer

2 A. If I'm not mistaken, the last day
3 of the buybuy Baby was July 31 and we hired
4 the team the day after.

5 We were not allowed to talk to the team
6 because any time that we spoke, I remember
7 with Patty she needed to report it to Lazard.

8 Q. So you didn't speak with a team
9 about the transition?

10 A. We knew that -- they knew that
11 we -- we knew that we were going to hire
12 them.

13 Q. My question is, you didn't speak
14 with them until you hired them, correct?

15 A. We were not allowed to talk to
16 them.

17 Q. And when did you hire them, was it
18 August 1?

19 A. I believe so.

20 Q. Before you hired -- you hired them
21 after Avish wrote this email, correct?

22 A. Yes.

23 Q. That team, until August 1, was
24 unable to assist you, is that right?

25 A. Correct.

1 M. Srour

2 Q. Did you have anyone else assist you
3 in this regard?

4 A. Patty. She was only one who was
5 assisting us. Alixpartners.

6 Q. The next sentence, the paragraph
7 that begins, "Like Go Global which had a team
8 of eight working on BBB, we should have, by
9 now, made a team of experts who would have
10 been looking at all aspects of this business
11 and have a plan of execution during
12 transition time." Do you see that sentence?

13 A. Yes.

14 Q. He goes on to list dealmaking and
15 funding, legal and retail lease team,
16 financial team, HR team, operation's team,
17 store and corporate, technology and IT team,
18 and finally logistics, supply chain and
19 sourcing team. Do you see that?

20 A. Yes, I do.

21 Q. At the time --

22 A. We hired what all what he's asking
23 for over here as soon as we got the IP and we
24 got the stores, we hired those people.

25 Q. So at the time that Avish wrote

1 M. Srour

2 this email, you had not -- you didn't have
3 experts, either internally at Dream On Me or
4 experts that you had hired to do this work,
5 is that right?

6 A. We didn't -- I didn't feel that we
7 needed it.

8 Q. You didn't have people working on
9 those items, is that right?

10 A. I did not feel that we needed it
11 and when we had the IP in our hand, then we
12 will go and do whatever we needed to do.

13 Q. In the next paragraph, the second
14 sentence, "Our partners need information and
15 we needed to build the terms and investment
16 models/deal sheet that we could have
17 presented including NDA's." Do you see that
18 sentence?

19 A. Yes.

20 Q. At this point, had Dream On Me
21 built its own independent model?

22 A. I believe we did.

23 Q. What was that model called?

24 A. I'm not sure.

25 Q. Did you work on that model?

1 M. Srouer

2 A. My people worked on it.

3 Q. Who were your people that worked on
4 it?

5 A. We hired people at that time to
6 work on it.

7 Q. Who were those people?

8 A. A guy by the name Joseph, Joseph
9 Moskowitz I think.

10 Q. Do you know when you hired Joseph
11 Moskowitz to work on this?

12 A. Somewhere in July.

13 Q. This email was sent on June 23. At
14 this point, did Dream On Me have a model that
15 it independently developed?

16 A. I believe we did.

17 Q. And who developed that model?

18 A. Again, whoever was working on it.

19 Q. I'm asking if you know who that
20 person is?

21 A. I don't. I know that we hired --
22 we hired that guy Joseph at that time and --

23 Q. The final sentence --

24 A. You have to understand something,
25 we knew that we were getting the team. So

1 M. Srou

2 that transition team that's going to get
3 hired is going to fulfill all what you are
4 asking over here. And that's basically what
5 we did.

6 Logistics from technology, logistics
7 from whatever sourcing, that was the buybuy
8 BABY team. I don't even remember how many
9 people we hired. 50, 60, 70 people. I don't
10 even remember how many people we hired.

11 Q. You hired those people?

12 A. As soon as the shutdown.

13 Q. Sometime in July, is that right?

14 A. I know we were not allowed to talk
15 to them or to hire them prior to the shutting
16 down of the buybuy Baby.

17 Q. I believe you testified that you
18 hired the BBY team to help, is that right?

19 A. Correct.

20 Q. Why did you decide to hire them as
21 opposed to other individuals?

22 A. Because they knew the operation.
23 They worked there. They knew it inside out.
24 And it was the best team for us to do it at
25 that time.

1 M. Srou

2 We picked and choose who from the people
3 that were there, who to hire and that's what
4 we did.

5 Q. The final sentence of this
6 paragraph says, "We have been sharing
7 information across all and exposing ourselves
8 in the process." Do you see that sentence?

9 A. Can you highlight it?

10 Q. Of course.

11 (Indicating.)

12 A. Okay. The question?

13 Q. My question is, what information
14 were you sharing?

15 A. You would need to ask him.

16 Q. Do you know whether you were
17 sharing Go Global information at this time?

18 A. I do not have no idea.

19 Q. He also writes that Dream On Me was
20 exposing itself in the process. Do you know
21 why he's writing that?

22 A. No, I don't.

23 Q. I apologize if you answered this
24 question, did you speak with Avish about this
25 email after you read it?

1 M. Srouer

2 A. I don't think I did.

3 Q. Do you know why?

4 A. We were working hand-to-hand
5 together. Avish's office is exactly like
6 20 feet from my office. So we were back and
7 forth, back and forth. A lot of this thing,
8 we -- if that's the way he feels, if he
9 wanted to summarize the whole thing into one
10 email, that's what he did. You would need to
11 ask him those questions.

12 Q. Would you agree that Avish is
13 highlighting a number of concerns he has in
14 this email?

15 A. Avish is the one who pushed me to
16 go for the -- for this adventure.

17 Q. My question is, would you agree
18 that Avish is highlighting a number of
19 concerns he has in this email?

20 A. It's possible. I cannot get into
21 what -- into his mind at the time that he
22 wrote email.

23 Q. No, but you can read what he wrote.

24 A. Correct, but everything was there
25 when we got the IP and the stores.

1 M. Srour

2 Q. Do you remember reading this email
3 when you received it?

4 A. No, I do not.

5 Q. Okay.

6 A. I receive close to a thousand
7 emails everyday so a lot of emails I skip.

8 Q. I know that game.

9 A. That's beside the emails that go
10 into spam all the time.

11 Q. I will go -- that was the email
12 that Avish wrote. This is the email that
13 Brendan Shay wrote from Lazard. I will let
14 you read this email and I believe it's
15 just -- it's pretty short, but it bleeds onto
16 a second page. I think I can capture all of
17 it and please read it and let me know when
18 you're done.

19 (Whereupon, at this time, there was
20 a pause in the proceeding.)

21 A. You see this is the model that Go
22 Global went ahead and used that -- that's
23 indicating that the model, where the model is
24 coming from.

25 Q. Have you read this email just now?

1 M. Srouer

2 A. Yes, I read it.

3 Q. I want to direct your attention to
4 the final paragraph. This email was written
5 by Brendan. It is dated June 23. It is to
6 Avish and Milan. Christian is also cc'd.

7 Final paragraph I will direct your
8 attention to, "We understand that in order to
9 secure financing you are looking to
10 incorporate transaction sources and uses and
11 we have in the impact of the capital
12 structure on cash flow, but that portion of
13 the model should be built and supported by
14 you, the buyer." Do you see that sentence?

15 A. Yes.

16 Q. Did Dream On Me build and support
17 that model?

18 A. I believe we did.

19 Q. What is the name of the document
20 that contains Dream On Me's independent
21 model?

22 A. You'll -- you will need to ask
23 Avish of that.

24 Q. You don't know the answer to that?

25 A. No.

1 M. Srour

2 Q. But you are sure that you made a
3 document?

4 A. I believe we did.

5 Q. And you're sure that that document
6 existed on June 23?

7 A. I'm not sure -- I don't know when,
8 but I know it was built after actually.

9 Q. Do you know --

10 A. You see the model that was shared
11 from Lazard that was prepared by the buybuy
12 BABY and the Alixpartners had different
13 mini-models. It was a model for 95 stores.
14 There was a model for 70 stores, 50 stores.
15 Then we built a model for 11 stores also
16 there when we took the stores before getting
17 into the auction.

18 Q. You said that you reviewed Go
19 Global's model previously. Do you recall
20 that?

21 A. Go ahead.

22 Q. Do you recall that?

23 A. Yes.

24 Q. Do you know whether Go Global's
25 model provided transaction sources?

1 M. Srouer

2 A. I'm not sure.

3 Q. Do you know whether it provided a
4 capital structure?

5 A. I believe it did.

6 Q. Do you know whether it provided
7 cash flow?

8 A. I believe it did.

9 Q. And they provided that information
10 to you, is that right?

11 A. That information came in from the
12 Lazard data room.

13 Q. Go Global provided you access to
14 their data room, is that right?

15 A. That information, they took that
16 information from the Lazard room, put their
17 name on it and they shared it. So it's not
18 something that they built on their own. They
19 used the buybuy BABY and the Alixpartners
20 model that they were sharing with their
21 investors. It was not their own model.

22 Q. You know that for a fact?

23 A. Hundred percent.

24 Q. No doubt in your mind?

25 A. Hundred percent.

1 M. Srouer

2 Q. You're okay sharing that
3 information as a result?

4 A. What do you mean by sharing this
5 information?

6 Q. Well, we saw that you emailed Go
7 Global's model to Scott Englander, Yussi,
8 Joseph Friedland, Jacob Sod and you also
9 testified that you emailed it or presented
10 that information to many other people?

11 A. Correct.

12 Q. You have no problem sharing that
13 information?

14 A. Again, that model that was shared,
15 that's the model that came in from Lazard.
16 Understand, for the 50th time that was
17 mentioned during this, this model was created
18 by the buybuy BABY team and the Alixpartners
19 who was at the Lazard data center.

20 They took it, they put their name on it
21 and they make believe that this is their own
22 model there.

23 MR. BERLOWITZ: We've been going
24 for maybe an hour. I don't think I have
25 that much more left. Is now a good time

1 M. Srouer

2 to break?

3 MR. SKOFF: If you don't have much
4 more left, we can wrap it up.

5 MR. BERLOWITZ: I want to take a
6 break to figure out my brief wrap up.

7 MR. SKOFF: Okay. That's fine.

8 MR. BERLOWITZ: 15 minutes.

9 MR. SKOFF: All right. Back at
10 3:30.

11 (Whereupon, at this time, there was
12 a pause in the proceeding.)

13 A. I would like to add to the
14 previous --

15 MR. SKOFF: Wait. Mark, there's no
16 question on the table right now.

17 THE WITNESS: I want to go back to
18 the prior question over there regarding
19 Avish's email there.

20 Q. What do you want to say, Mark?

21 A. Prior to the email of Avish on
22 June 23, the due diligence that we did, we
23 had spoken to approximately 25 top vendors
24 that we knew that they are coming onboard
25 with us into this venture. I'm talking about

1 M. Srour

2 we talked to Greco, Bright Tap, Kiko, Chico,
3 whoever the top vendors of buybuy BABY.

4 We did have meetings with the buyers
5 prior to that June 23 email of Avish. So we
6 knew that we are -- who we are hiring and
7 whose going to do the transition to continue
8 running the operation.

9 We also had HR meetings that we knew
10 that we had -- whoever is going to handle
11 that.

12 The IT, I know that there was a lot of
13 talk regarding the IT and there was a whole
14 team that we put together also.

15 Regarding we also had many talks with
16 Helco regarding the whole process where they
17 were also trying to help us over here with
18 the bringing in investors.

19 And regarding the financial, we kept
20 changing the model with Alixpartners so
21 whatever -- whatever the due diligence that
22 we were doing, we were doing it from the data
23 room from inside Lazard. So we were using
24 their sources to get the information that we
25 need.

1 M. Srour

2 Q. Is it your testimony that you were
3 speaking to a number of vendors before the
4 June 23 email that Avish sent?

5 A. I believe so. I believe so.

6 Q. Is it --

7 A. No --

8 Q. Excuse me. Excuse me, Mark.

9 A. One second. I'm trying to say. We
10 spoke to the vendors. I'm not sure if it was
11 before getting the IP or after getting the IP
12 so whatever was the date of the IP, but I
13 know that we spoke to the top vendors that
14 they knew for them to know what's going on.
15 I believe it was after the IP purchase.

16 Q. Did you speak with those vendors
17 before the intellectual property purchase?

18 A. I believe it was after.

19 Q. Okay.

20 A. I believe it was after because, if
21 I'm not mistaken, I know that the market was
22 surprised that we went ahead and purchased
23 the IP so I believe it was after.

24 Q. Are you aware that there was a IP
25 auction and separately an auction for the

1 M. Srouer

2 going concern?

3 A. Go ahead.

4 Q. Are you aware of that?

5 A. Yes.

6 Q. Dream On Me only bid for the IP
7 assets and not the going concern, is that
8 right?

9 A. First you get the IP, then you do
10 the going concern.

11 Q. Did Dream On Me bid for the going
12 concern?

13 A. I'm not sure what we did at that
14 time.

15 Q. You're not sure whether Dream On Me
16 placed a bid for the going concern?

17 A. Not sure.

18 Q. Do you know whether --

19 A. First there was the IP.

20 Q. I realize this is probably a little
21 self-evident, but do you know whether you won
22 the bid for the going concern?

23 A. No, I don't because I don't think
24 we ever -- because our bid over there was
25 going -- was not based on the going concern.

1 M. Srour

2 MR. BERLOWITZ: One moment, please.

3 (Whereupon, at this time, there was
4 a pause in the proceeding.)

5 Q. Do you know how much Dream On Me
6 bid for the intellectual property assets?

7 A. 15 and a half million.

8 Q. Why that amount?

9 A. Because I needed to -- because
10 that's the number that we reached.

11 Q. How did you reach that number?

12 A. We were bidding at the auction.

13 Q. How did you determine that that was
14 the number that you wanted to bid?

15 A. I didn't have no number with me.

16 Q. Sorry, can you repeat that?

17 A. I did not have a number with me or
18 a max to get the IP. I wanted it and I was
19 willing to pay higher than that.

20 So for me the 15 and a half million
21 dollars was a bargain.

22 Q. Other than Go Global, did you know
23 what anyone else was bidding before you
24 placed a bid for the intellectual property
25 assets?

1 M. Srouer

2 A. No.

3 Q. I believe you previously testified
4 about a two and 20 financial structure. Do
5 you recall that?

6 A. Yes.

7 Q. Is it your testimony that Go Global
8 wanted a two and 20 financial structure?

9 A. Yes.

10 Q. And you didn't want that, right?

11 A. No, I wanted to share it with them.

12 Q. Prior to your discussions with Go
13 Global, had you considered a two and 20
14 financial structure?

15 A. No.

16 Q. Why not?

17 A. Because it's not something that --
18 it's not my model.

19 Q. And just going back to your bid for
20 the intellectual property, why were you
21 willing to bid an unlimited amount?

22 A. Because I wanted the IP.

23 Q. So you would have bid anything?

24 A. Yes, I will.

25 Q. Did you want the stores too?

1 M. Srouer

2 A. Yes.

3 Q. You wanted it all?

4 A. Yes.

5 Q. Was there a limit to how much you
6 were willing to bid?

7 A. You have to look at the package
8 together and you have to see how many
9 investors are coming in, how much money you
10 will have, so you are putting it together.

11 So based on stores, based on how many
12 people coming in with you, you'll do whatever
13 you need to do.

14 Because we had the option at the auction
15 of the stores that you -- putting a deal
16 together for certain stores. And you are
17 making inside deals over there at the
18 auction.

19 Q. When you bid for the intellectual
20 property assets, how much money did you have
21 from investors?

22 A. Zero at that time.

23 Q. And you were still willing --

24 A. Yes.

25 Q. You were still willing to pay as

1 M. Srour

2 much as it took to win the bid?

3 A. Then I'm able to use the name for
4 myself. I can just add it into the Dream On
5 Me, what you call it, umbrella and create a
6 line for the buybuy BABY.

7 It's the same thing that happened right
8 now with Toys "R" Us or Babies "R" Us. They
9 shut down for the last five or six years and
10 now they are back. It is a name that is
11 getting recognized in the market, yes.

12 So we were doing the same thing. We had
13 the name that's been out for the last 30
14 years and people knew the name. People
15 trusted the name. So we wanted to take
16 advantage of the name.

17 Q. I believe you said a moment ago
18 that you had, before the IP auction, you had
19 no investors, is that right? Did I hear you
20 correctly?

21 A. Sorry?

22 Q. I believe you testified a moment
23 ago that before you made the bid for the
24 intellectual property assets, you had no
25 investors, is that correct?

1 M. Srour

2 A. I did have investors coming with me
3 into the auction that I was representing.
4 That was Jacob Sod, whatever, he was there.
5 He was coming in with [REDACTED].

6 Q. Was Scott Englander coming in with
7 money, was he an investor?

8 A. He was coming in, I think, with
9 [REDACTED].

10 Q. And what about Joseph Friedland,
11 was he an investor?

12 A. I'm not sure if at that time he was
13 already in. I'm not sure. I know he was
14 coming in.

15 MR. BERLOWITZ: I think I have no
16 further questions. However, I would
17 like to, for the record, that I believe
18 the witness was inadequately prepared to
19 discuss topics four, five, seven, 12, 13
20 and 14. I believe he directed me
21 primarily to speak to Avish or Amit
22 about this. I know that --

23 MR. SKOFF: Just give me those
24 again.

25 MR. BERLOWITZ: Topics four, five,

1 M. Srour

2 seven, 12, 13 and 14. I'm also going to
3 add six on it there. I think I missed
4 that before. I believe that the witness
5 directed me to speak to either Avish or
6 Amit.

7 I know that we have the depositions
8 for both of those witnesses scheduled.
9 So I would like to make those also dual
10 and individual 30(b)(6) depositions so
11 we can take care of that.

12 I think that's it. That's all I
13 have.

14 MR. SKOFF: All right. I have no
15 questions.

16 (Whereupon, at this time, the
17 examination of this witness concluded at
18 3:45 p.m.)

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A C K N O W L E D G M E N T

STATE OF NEW YORK)
 :SS
COUNTY OF)

I, MARK SROUR, hereby certify
that I have read the transcript of my
testimony taken under oath in my deposition
of October 1, 2024; that the transcript is a
true, complete and correct record of my
testimony, and that the answers on the record
as given by me are true and correct.

MARK SROUR

Signed and subscribed to before
me, this _____ day
of _____, 2024

Notary Public, State of New York

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2

I N D E X

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WITNESS

EXAMINATION BY

PAGE

5

M. Srouer

Mr. Berlowitz

5

6

7

E X H I B I T S

8

PLAINTIFF'S

DESCRIPTION

FOR ID

9

Exhibit 1

EBT Notice

14

10

Exhibit 2

Email - DOM 10726

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11

Exhibit 3

Email

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Exhibit 4

Email - DOM 8791-8794

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13

Exhibit 5

Email - DOM 2770-2771

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Exhibit 6

Email - DOM 2943

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Exhibit 7

Email - DOM 2969

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Exhibit 8

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Exhibit 9

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Exhibit 10

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Email - DOM 2800

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Exhibit 12

Email - DOM 10869

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Exhibit 13

Transcript

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Exhibit 14

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Exhibit 15

Email - DOM 10877

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Exhibit 16

Email - DOM 11644

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E X H I B I T S (Cont'd)

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PLAINTIFF'S

DESCRIPTION

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Exhibit 17

Confidential document

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Exhibit 18

Email - DOM 11714

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REQUESTS/PRODUCTION

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DESCRIPTION

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Native email of DOM 10868

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Notes from Avish during meeting

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M. Srour notations on notepad

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Signed amended LTD LLC agreement

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Operating Agreement

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BBBY Acquisition tax returns

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P&L documents

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C E R T I F I C A T E

I, JENNIE FANTASIA, a Notary
Public in and for the State of New York, do
hereby certify:

THAT the witness whose deposition
is hereinbefore set forth, was duly sworn by
me and;

THAT the within transcript is a
true record of the testimony given by such
witness.

I further certify that I am not
related either by blood or marriage; to any
of the parties to this action; and

THAT I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 14th day of
October, 2024.


Jennie Fantasia Kilgallen



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